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ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF

THE TERRITORY OF

MISSOURI;

IN

DECEMBER AND JANUARY,

ONE THOUSAND EIGHT HUNDRED AND

SIXTEEN AND SEVENTEEN.

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1817.

L. C. copy 1

AN ACT

For the relief of William Moss.

BE it enacted by the *General Assembly of the Territory of Missouri*, That there be remitted to William Moss of the county of Saint Louis, and now confined within the bounds of the common prison of said county, all such sum or sums of money which may remain due, and unpaid by the said William Moss upon a judgment rendered in the Circuit Court at a court held within and for the northern circuit of this territory at the town of Saint Louis, for the term of May, in the year one thousand eight hundred and sixteen, upon an action brought by the United States of America to and for the use of the county of Saint Louis, against the said William as surety for one Abraham Wheeler. Remission. Judgment.

Sec. 2. *And be it further enacted*, That the Sheriff of said county shall, and he is hereby required to release and discharge the said William Moss from his imprisonment, and from the bounds of said prison: *Provided* that the said William do pay or cause to be paid on or before his discharge and releasment as aforesaid all the costs of suit which may have accrued in the action aforesaid, yet remaining unpaid; *provided also* that nothing in this act shall be so construed, as to re- Releafe from bounds. Conditions.

lease or discharge the said William Moss from his imprisonment if he be confined by virtue of an execution or other civil or criminal process which may have issued against him in any other cause, action, or case.

Money paid to be refunded.

Sec. 3. *And be it further enacted*, That the Sheriff of the county of Saint Louis, shall and he is hereby authorised to pay back to said William Moss out of any money in the county treasury, all such sum or sums of money which may have been collected from or paid by the said William, upon the judgment aforesaid the costs of suit only excepted.

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WM. NEELY,
President of the Legislative Council.

APPROVED, DECEMBER 6th 1816.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To legalize the acts and proceedings of the county court of New Madrid, held on the twelfth day of February, one thousand eight hundred and sixteen.

WHEREAS it has been represented to the General Assembly, that a county court was held in and for the county of New Madrid on the twelfth day of Feb-

ruary, eighteen hundred and sixteen, in pursuance of an act entitled "an Act establishing circuit courts and county courts and for other purposes," approved January the fourth, eighteen hundred and fifteen, which said court did then proceed to settle all such business as came before them to be settled conformably to the provisions of said recited act. And whereas by a law of this territory approved the twenty first of January, eighteen hundred and sixteen, entitled "an Act altering the times and places for holding the superior and circuit courts of this territory and for other purposes," said county courts were abolished by reason whereof the proceedings of said court are null and void. Therefore, and for remedy whereof

Recital of acts.

BE *it enacted by the General Assembly of the Territory of Missouri*, That all the acts and proceedings of said county court of New Madrid, appointing constables, assessors and overseers of roads, and the allowance of the accounts made by said court to sundry persons, and the settlement made by said court with the sheriff of said county at a county court held on the twelfth day of February eighteen hundred and sixteen, over which the county courts in this territory had jurisdiction and coguizance, before the passage of the law of this territory approved the twenty first of January, eighteen hundred and sixteen, in the preamble recited shall be and same are hereby declared legal in the same manner they would have been had the law establishing the said county courts been in full force and operation at ay law

Legalized.

of this territory to the contrary notwithstanding.

This act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WM. NEELY,
President of the Legislative Council.

APPROVED, DECEMBER 20th, 1816.

WILLIAM CLARK,
Governor of the Missouri Territory.

AN ACT

To encourage the killing of Wolves, Panthers and Wild Cats.

BE *it enacted by the General Assembly of the Territory of Missouri*, That if any person shall kill any wolf, panther or wild cat, in any county of this territory after the first day of March next and within ten miles of any settlement therein, he shall be entitled to and receive if said wolf or panther shall exceed the age of six months, the sum of two dollars, if under that age the sum of one dollar and fifty cents for every wild cat, to be paid out of the county treasury in which the said wolf, panther or wild cat shall have been killed.

Rates of premium.

Sec. 2. *And be it further enacted*, That any person killing a wolf, panther or wild cat as aforesaid, shall exhibit the scalp with both ears, of such wolf, panther or wild cat, to some justice of the peace within said county, within ten days after

Scalps to be exhibited,

killing the same, and such justice shall strickly examine such person on oath, or any other person being a competen witness, touching the time when, and place where and how such scalp was obtained and whether the wolf, panther or wild cat, to which such scalp belonged, was taken and killed within the county, and within ten miles of some settlement thereof; and when such justice shall be satisfied that the person exhibiting such scalp, is entitled to any of the above mentioned premiums, he shall give such person a certificate on the county treasury for the same, and such justice shall burn or destroy all such scalps for which he has given a certificate, and shall be the judge of what age the said wolf or panther may have been when killed; and such justice of the peace shall be entitled to receive from the party applying for administering the oath and granting a certificate in pursuance of this act, the sum of twenty five cents.

and examine.

Certificate.

Fee.

Sec. 3. *And be it further enacted*, That if the slave of any person shall kill any wolf, panther or wild cat, it shall and may be lawful for the master or employer of such slave by exhibiting the scalp, and making proof before a justice of the peace that the said wolf, panther or wild cat was killed agreeably to the provisions of this act, in that case the master or employer shall be entitled to the premium in the same manner as if such wolf, panther or wild cat had been killed by such master or employer.

Master to receive for the slave.

Sec. 4. *And be it further enacted*, That

Forfeiture for taking these animals from the trap of another.

if any person shall take away any wolf, panther or wild cat out of any pit or trap, made or set to catch the same, thereby to cheat or defraud the owner of such pit or trap of his premium, such person taking away as aforesaid shall forfeit and pay to the owner of such pit or trap the sum of four dollars for every wolf, panther or wild cat taken out as aforesaid, with costs of suit to be recovered before any justice of the peace of the proper county by an action of debt founded on this statute.

Form of certificate.

Sec. 5. *And be it further enacted*, That the certificate to be given by the justice as near as circumstances will admit be in the form following, to wit: territory of Missouri, county of sct. I A. B. a justice of a peace within and for the county aforesaid, do hereby certify, that the sum of is due to C. D. as a premium for his killing a wolf, panther or wild cat (as the case may be) and the treasurer of the county is hereby directed to pay the same to C. D. or bearer. Given under my hand this day of A. D. A. B. justice of the peace.

Certificate to be legal tender for county taxes.

Sec. 6. *And be it further enacted*, That any certificate obtained for the killing of a wolf panther or wild cat as aforesaid shall be a legal tender for any county taxes levied within said county, and shall be re-

ceived by the sheriff or other person collecting any county levy within the same.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, DECEMBER 23d, 1816.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

For the relief of minor orphans owning lands in the county of New Madrid, to the extent said county had the first day of January one thousand eight hundred and twelve.

WHEREAS it has been represented to this General Assembly that there are many orphan child or children who own lands lying in the county of New Madrid, and who by the laws of this territory have neither the power themselves or by their guardians to take the benefit of the act of congress, approved the seventeenth day of February one thousand eight hundred and fifteen, authorising the new location of lands lying in said county that are materially injured by earthquakes, whereby it is believed much injury may result to said orphans. THEREFORE,

BE *it enacted by the General Assembly of the territory of Missouri*, That

Guardians may act for minors,

all guardian or guardians of minor orphans (owning lands in said county of New Madrid thus materially injured) who may be legally chosen and appointed shall and may have power and authority to locate the same for the use and benefit of such minor orphans, agreeably to the provision of said act of congress, and they are hereby fully authorised and impowered to do all and any such acts and things as may be requisite to carry the same into effect: *Provided, however*, That before any such guardian or guardians enter upon the execution of the powers given them by this act, he or they shall enter into bond with the governor of this territory his successors in office, in the full value of the land so by them to be located with good and sufficient security to be approved of by the circuit court of said county of New Madrid, conditioned that he or they will well and truly locate or cause to be located all or any of such lands as may be owned by such child or children, to whom they may be guardian or guardians, which have been materially injured by earthquakes, agreeably to the provisions of said before mentioned act of congress to the best advantage and for the only use and benefit of such child or children, which said bond shall be filed in the clerks office of the county of New Madrid for the use of said minor or minors.

Bond.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for, and it is hereby made the duty of guardians acting under the authority of this act, as

soon as they shall have obtained a patent for the lands located as is provided in this act to have the same recorded in the county where he may have located the same, a certificate of the record of which under the hand and seal of office of the clerk of the court of the county where the same may be recorded, shall be sufficient authority to the clerk of the county of New Madrid to cancel said bond or bonds.

How cancelled.

This act shall be in force and have effect from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

BENJAMIN EMMONS.
President pro tempore of the Legislative Council.

APPROVED, JANUARY 6th 1817.

WILLIAM CLARK
Governor of the Missouri territory.

AN ACT

To repeal the thirteenth section of an act entitled an act supplementary to an act entitled an act providing for the levying and collecting territorial and county tax.

BE *it enacted by the General Assembly of the territory of Missouri*, That the thirteenth section of an act entitled "an Act supplementary to an act entitled an act providing for the levying and collecting the territorial and county taxes," approved on the twenty fourth of January one thou-

Recital.

Repeal.

sand eight hundred and sixteen be and the same is hereby repealed; and that all fines forfeitures or penalties which may have been incurred by the recorder of land titles for the territory of Missouri, under the provisions of said thirteenth section of said recited act, be, and the same are hereby remitted in as full and ample a manner as if such act had never passed.

Sec. 2. This act to be in force and take effect from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

BENJAMIN EMMONS.
President pro tempore of the Legislative Council.

APPROVED, JANUARY 6th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the act providing for levying and collecting territorial and county taxes.

BE *it enacted by the General Assembly of the territory of Missouri,* That the committee appointed by the house of representatives and such committee as may be appointed by the legislative council to examine the books, vouchers and other papers being in and belonging to

the respective offices of territorial auditor and treasurer shall be and they are hereby authorised and empowered to ask for and demand all books, vouchers or other necessary papers belonging to the said offices, and it shall be the duty of said territorial auditor and treasurer on such demand being made by the committees aforesaid to produce the same. And either of said officers who shall refuse to comply with the provisions of this act shall be removed from such territorial auditor or treasurers office (as the case may be) and it is hereby made the duty of the governor to vacate the commission of the officer so refusing, and it shall and it is hereby made the duty of the committee appointed as aforesaid after having compared the vouchers in the respective offices with the books therein kept and on finding them to agree with said books to destroy or cause to be destroyed in their presence all such vouchers as aforesaid and shall note on the books of said auditor and treasurer the day on which such settlement was made, and the chairman of the committee shall sign his name thereto, which settlement so entered shall be a complete bar to any action brought against such territorial auditor or treasurer acting as such previous to such settlement.

Auditors and treasurers books to be examined.

Penalty for withholding them.

Vouchers to be examined and destroyed.

This act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

BENJAMIN EMMONS,
President pro tempore of the Legislative Council.

APPROVED, JANUARY 6th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

For the relief of Bernard Brown.

WHEREAS it appears to the General Assembly that Bernard Brown of the township of Cinque Hommes in the county of St. Genevieve, did actually find in the woods at a considerable distanee from his house a poor old insane man, barefooted and badly frost bitten, upon the eighteenth day of January one thousand eight hundred and sixteen, and supported him till the eighteenth day of February following, the time of his death, and buried him decently to the great inconvenience of said Brown, who is himself a poor man with a large family, and whereas it is but just and reasonable that the humane services of said Bernard Brown should be remunerated, and his expenses paid by the county of St. Genevieve.

BE *it therefore enacted by the General Assembly of the territory of M. is-*

souri, That the said Bernard Brown shall be entitled to receive the sum of forty dollars out of the county funds of the county of St. Genevieve, and the treasurer of the said county is hereby directed to pay said sum of forty dollars to the said Bernard Brown when demanded out of any money in the said treasury not otherwise appropriated, which receipt shall be allowed said treasurer in his settlement with the court.

$40 from co. treasury of St. Genevieve

This act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

BENJAMIN EMMONS,
President pro tempore of the Legislative Council.

APPROVED, JANUARY 6th, 1817.

WILLIAM CLARK,
Governor of Missouri territory.

An act concerning certain Administrators in the county of Howard.

WHEREAS it is represented to this General Assembly, that it is inconvenient and expensive to certain administrators, who resided in that part of the county of St. Charles, since included in the county of Howard, to settle their accounts in the said county of St. Charles.

BE it therefore enacted by the General Assembly of the Territory of Mis-

souri, That upon application to the clerk of the circuit court of the county of St Charles, by the administrators of the estates of Braxton Cooper. Scarshell Cooper and William Vincent, and the administratrix of Thomas Smith deceased, and upon payment by the said administrators or administratrix of the fees for so doing the said clerk shall make out and deliver to such administrator or administratrix, copies of the administration bond, the inventory of appraisement and list of sales and of the orders made in each case together with the original accounts and vouchers, and the said administrator or administratrix shall file the same with the clerk of the circuit court, for the county of Howard, and the said circuit court of the county of Howard shall, and may proceed in the settlement of said estates in the same manner as the circuit court of the county of St. Charles, could or can do; *And provided* that copies of the orders of the circuit court for the county of Howard respecting such estates, and on the final settlement of each of said estates shall be filed with the clerk of the circuit court for the county of St. Charles, within three months after such settlement and provided also that all costs charges and expences arising by virtue of the provisions of this act shall be at the individual expence of the administrator or administratrix, applying for such copies, any law of this territory to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That

this act shall be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

BENJAMIN EMMONS,
President pro tempore of the Legislative Council.

APPROVED, JANUARY 7th 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to an act regulating Ferries.

BE *it enacted by the General Assembly of the Territory of Missouri*, That it shall be the duty of the court granting licences for keeping ferries to compel the person obtaining the same to pay therefor for each year any sum not less than two dollars and not exceeding the sum of one hundred dollars and under every other restriction and condition by law provided concerning the granting of licences. Tax on licences.

Sec. 2. *And be it further enacted*, That if any person licensed to keep a ferry shall on being tendered his lawfull compensation refuse or neglect without a reasonable and lawful cause to cross any person his horses, cattle, carriage, brutes, or property in a convenient time after such application, such ferryman shall for every delay of thirty minutes forfeit and Duties of ferrymen.

Penalty for neglect.

pay the sum of two dollars to the person injured, to be recovered with costs of suit before any justice of the peace of the county in which such ferry is kept.

Sec. 3. *And be it further enacted*, That so much of the act to which this is a supplement as is repugnant or inconsistant to this act be and the same is hereby repealed.

Sec. 4. This act to be in force from and after the first day of March next ensuing.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

SAMUEL PERRY,
President pro tempore of the Legislative Council.

APPROVED, JANUARY 13th, 1817.

WILLIAM CLARK,

Governor of the Missouri territory.

AN ACT

Supplementary to an act to prevent seed horses stallion or stallions from running at large.

BE *it enacted by the General Assembly of the territory of Missouri*, That it shall and may be lawful for any person or persons to take up any seed horse, stallion or stallions above the age of two years, which may be found running at large and castrate or cause to be castrated the said seed horse or horses, stallion or stallions, for which the said taker or takers up of the said seed horse

If above 2 years old may be taken up and castrated.

or horses, stallion or stallions, and castrating the same shall receive for his or their trouble the sum of three dollars from the owner or owners of such said horse or horses, stallion or stallions, above the age of two years, to be recovered before any justice of the peace residing in the township where such owner or owners of such seed horse or horses, stallion or stallions live: *provided always*, That the operation shall be performed in the usual manner, so that the life of the animal be endangered as little as possible.

The owner to pay 3 dollars.

Sec. 2. *And be it further enacted*, That if there be any seed horse or horses, stallion or stallions above the age of two years found running at large, and the said seed horse or horses, stallion or stallions, cannot be taken up, the said seed horse or horses, stallion or stallions, may be killed by any person; *provided*, That notice be put up in three of the most public places in the county at least twenty days, which notice shall contain a description of the said horse, stallion or stallions, color, natural marks or brands if any, and then if no owner or owners shall appear and take away such seed horse or horses, stallion or stallions, then any person shall be at liberty to kill or destroy any seed horse or horses, stallion or stallions, so running at large.

If they cannot be taken up may be killed.

After 20 days notice.

Sec. 3. All acts and parts which are contrary to the provisions of this act shall be and the same are hereby repealed.

Sec. 4. This act to take effect and be

in force from and after the first day of March next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY.
President of the Legislative Council.

APPROVED, JANUARY 14th 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

For the relief of Hewes Scull, John W. Thompson, Daniel Dunklin, John Hays and Stephen Ross, and for other purposes.

Preamble.

WHEREAS it is represented to this General Assembly, that the persons aforenamed have incured a fine of twenty per centum, each for not collecting the territorial taxes in due time, and that said collections could not have been made within the time prescribed by law:

Fine of 20 per cent remitted to sheriff Arkansas.

BE *it therefore enacted by the General Assembly of the territory of Missouri*, That the fine of twenty per centum on all the territorial taxes levied in the counties of Arkansas for the year one thousand eight hundred and fifteen, and one thousand eight hundred and sixteen, be and the same is hereby remitted, and the said Hewes Scull, sheriff of the county of Arkansas is hereby exempted, and released from the payment thereof.

Sec. 2. *And be it further enacted*, That

the like fine of twenty per centum on all territorial taxes levied in the counties of St. Louis, Washington, Cape Girardeau and New Madrid, for the years one thousand eight hundred and fifteen and sixteen, be and the same are hereby remitted and John W. Thompson sheriff of the county of St Louis, Daniel Dunklin sheriff of the county of Washington, John Hays sheriff of the county of Cape Girardeau and Stephen Ross sheriff of the county of New Madrid, are seperately exempted and released from the payment of said fines.

And to sheriffs of St. Louis & other counties.

Sec. 3. *And be it further enacted*, That the further time of five months be and the same is hereby allowed to each of the sheriffs of the counties of St. Louis Washington and Cape Girardeau, and the further time of seven months to the sheriffs of the counties of New Madrid and Arkansas, each to make their collections and to settle their respective accounts with the territorial auditor for the ballance of such taxes due, and the said sheriffs and each of them are hereby authorised at the next term of the circuit court, in each of the counties of St. Louis, Washington, Cape Girardeau and New Madrid, and of the superior court in the county of Arkansas to sell and dispose of lands for which taxes are due, having previously given the notice required under former laws and such sales shall be as valid as if made on the first monday of November.

Further time.

And.

Duties of the several sheriffs.

Sec. 4. *And be it further enacted*, That the several circuit courts in this territory,

Courts to remit to sheriffs the amount of irregular assessment.

and the superior court in the county of Arkansas, shall have power to remit to any sheriff the amount of any tax or taxes on lands which have been irregularly assessed, not through the fault or neglect of the owner of such lands, and which the said sheriff cannot collect by reason of such irregular assessment, and the certificate of the clerk of the court shall be a sufficient voucher to the territorial auditor for the amount in settlement with such sheriff; *Provided*, That the court shall not have power to remit any tax or part of any tax imposed on lands, where the owner or proprietor or the agent of such owners, hath not given in such lands for taxation according to law.

Sec. 5. *And be it further enacted*, That this act shall be in force and take effect from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 14th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Allowing compensation to the members of the present General Assembly and the officers thereof.

BE it enacted by the *General Assembly of the territory of Missouri*, That each and every member of the legislative

council, and house of representatives, attending the present General Assembly, except the president of the legislative council, and speaker of the house of representatives, shall be entitled to receive for each and every days attendence on the business of legislation the sum of three dollars, and the president of the legislative council, and speaker of the house of representatives, shall respectively receive four dollars for each day, and also each member shall be allowed three dollars for every thirty miles of the estimated distance by the most usual road from his place of residence to the seat of government, in going to and returning from the same.

Members $3 for diem.

Prefident and fpeaker $4.

Milage.

Sec. 2. *And be it further enacted*, That there shall be paid to the secretary of the legislative council and clerk of the house of representatives respectively, for each day they may have been employed in the business of their respective houses, the sum of five dollars and fifty cents, and to the engrossing and enrolling clerk employed at the present session of the General Assembly the sum of three dollars per day. And there shall be allowed and paid to the door keepers of the legislative council and the house of representatives respectively the sum of two dollars per day, for each and every days attendance during the present session of the General Assembly.

Sec'y. L. C. $5 50, clerk H. R. $5 50.

Engroffing clerk 3 dolls.

Doorkeepers 2 dolls.

Sec. 3. *And be it further enacted*, That the compensation which shall be due to the members of the legislative council and house of representatives and their

How certified.

officers, shall be certified by the president of the legislative council and the speaker of the house of representatives respectively, which certificate shall be to the territorial auditor sufficient evidence of claim and the auditor thereupon shall issue his warrant or certificates to the person entitled thereto by this act, payable at the territorial treasury, and the auditor of public accounts shall issue to any person having a demand on the territorial treasury a certificate or certificates therefor to any amount not less than three dollars, and the said certificates shall be a lawful tender to any sheriff for the payment of territorial taxes or money due the territory.

Cert's. lawful tender in payment of territorial taxes.

This act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 23d. 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To authorise a lottery for the benefit of the Potosi Academy.

Preamble.

WHEREAS it appears to the General Assembly, that an academy has been established in the town of Potosi, in the county of Washington, and that a considerable sum of money has been raised by private subscription to build a proper

house for the accommodation of the school, but that the objects of the said institution cannot be realized for the want of sufficient funds to complete the buildings, and provide the necessary teachers, wherefore it is deemed expedient to authorise a lottery to complete the buildings of said academy, and to provide for its future support and utility.

BE *it enacted by the General Assembly of the territory of Missouri*, That Jacob Pettit, John H. Weber, Lionel Brown, James Austin and John Perry Jr. be and they are hereby appointed to form a lottery under such scheme or schemes as they or a majority of them may deem best, for the purpose of raising a nett sum of money not to exceed after all the expences of said lottery are paid four thousand dollars, for the use and benefit of said academy. Commissioners. Nett profits not to exceed $4000.

Sec. 2. *And be it further enacted*, That each of the aforesaid commissioners shall give bond with one or more sufficient securities, to the trustees and their successors of the said academy, to and for the use of all and every person concerned either as having an interest in said academy as those who may purchase tickets or draw a prize or prizes in said lottery to be approved of by the circuit court for the county of Washington, in the penal sum of ten thousand dollars each, conditioned that they will well, truly, faithfully and honestly, perform all the duties required of them and to carry into force and effect the objects of this act. Commi'ers. bond.

Sec. 3. *And be it further enacted*, That said commissioners shall keep in a book

Account of proceedings.

To be laid before trustees.

a just and true account of all the tickets sold and of all their proceedings under this act which shall be laid before the board of trustees of the Potosi academy on a settlement of the accounts of said lottery between said commissioners and trustees.

Trustees' bond.

Sec. 4. *And be it further enacted*, That each of the trustees of said academy shall give bond with one or more sufficient securities to the clerk of the circuit court of Washington county and his successors for the use of all and every person concerned to be approved of by the circuit court for the county of Washington in the penal sum of two thousand dollars, each conditioned that they will well, truly, faithfully and honestly appropriate and dispose of all and every part of the monies or property that shall come into their hands as trustees aforesaid to the sole use and benefit of said academy, and that they will well and truly perform the duties required of them under this act, and each of the commissioners and trustees which are or may be appointed under the provisions of this act shall before entering on the duties required of them take the following oath viz. I, A. B. do swear or affirm (as the case may be) that I will faithfully perform and discharge all the duties required of me by this act, to the best of my abilities, so help me God.

Oaths.

Sec. 5. *And be it further enacted*, That the proceeds of said lottery shall be paid over to the trustees of said Potosi academy, within sixty days after the drawing of the same or any class thereof, when

Proceeds to be paid over.

there shall also be a full settlement of all the accounts of said lottery up to that time between said commissioners and trustees, and the trustees shall allow such compensation to the commissioners as they may deem just and reasonable, and should any of said commissioners refuse to act or resign, the circuit court for the county of Washington shall on application of the remaining commissioners appoint others in their stead; *provided however*, That in case a majority of the commissioners should refuse to act or resign, then and in that case the aforesaid court shall on application of a majority of the trustees appoint others to fill their places.

Commis'ers. comp'fation.

Vacancies how supplied.

Sec. 6. *And be it further enacted*, That the trustees of said academy shall lay before the circuit court for the county of Washington, at each term of said court a just and true statement of the manner of the expenditure of the funds so raised by the lottery, until the whole amount of said funds shall be appropriated and paid as is provided for in this act.

Trustees to report to circuit court.

Sec. 7. This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 22nd 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to an act passed by the governor and judges of the Indiana territory, respecting slaves and other purposes.

BE it enacted by the *General Assembly of the territory of Missouri*, That if any person or persons shall take up or apprehend any slave or slaves, travelling at large from his, her or their owner or owners overseer or employer's premises without a token or written pass expressive of his her or their owner, owners, overseer or overseers or employers permission the person so taking up and apprehending such slave or slaves shall immediately take him her or them before some justice of the peace of the township in which such slave or slaves are taken up, if there be a justice of the peace in such township, but if there be no justice of the peace in such township, then before some justice of the peace residing in any township in the county where such slave or slaves are taken up, and the said justice before whom such slave or slaves may be taken up, shall immediately proceed to notify the owner, owners, overseers or employers of such slave or slaves, having been brought before him upon a charge of their travelling at large without a proper pass or token, which notification may be served by any sheriff, constable or other person to whom the same may be directed by such justice of the peace who shall have the same fees for their services as are allowed by law for serving a summons in any civil case, issued by a justice of the peace, to be

Slaves travelling without written pass.

Carried before a justice.

Owner notified.

Notice how to be served.

Fees.

paid by such owner, employer or overseer of any such slave or slaves and it shall be the duty of such justice of the peace to enter up a jndgment against such owner or owners, overseer or employer and if he or they refuse to pay the same may issue execution for the same as in ordinary cases and if the said owner, owners, overseer or employers are not resident in the county where such slave or slaves are taken up as aforesaid, the said taker or takers up shall cause a publication to be inserted in some news-paper printed in this territory and continued therein for ninety days stating the name or names of such slave or slaves, and the name or names if known of the owner or owners thereof, who shall be bound to pay for such insertion; *Provided always*, That if the owner overseer or employer of any slave or slaves who shall or may be taken up under this act shall appear before the justice of the peace before whom he, she or they may be taken either by him, her or themselves or qualified agent within ten days after being notified thereof and make it appear to such justice of the peace that the slave or slaves so taken up or apprehended were at the time they were taken up going about and doing the ordinary business of his, her or their owner, employer or overseer, and the said taker up shall keep the said slave or slaves, or such slave or slaves may be by order of such justice committed to the jail of the county until the time appointed by such justice for the owner or owners, overseer or em-

In cases of non resident owners.

Publication.

Committed to jail in certain cases.

ployer to appear before him the said justice shall thereupon discharge such slave or slaves, the owner, employer or overseer first paying the expenses which may have accrued for taking up such slave or slaves.

Fees for taking up runaways.

Sec. 2. *And be it further enacted*, That any person who shall apprehend and lodge in any jail within this territory or deliver to his, her or their owner or owners, overseer or employer, any runaway slave or slaves shall be entitled to demand and receive of and from such owner, overseer or employer the sum of five dollars together with the just and reasonable expenses of taking up and securing such slave or slaves to be recovered before any justice of the peace; *Provided however*, That in any case where a reward shall be offered for the taking up any such runaway slave or slaves, amounting to the sum of ten dollars it shall be taken and considered to be in lieu of the reward by this act directed to be paid, and whenever any slave or slaves shall be committed to prison under the provisions of this act the owner or owners employer or overseer, shall pay all lawful expences, and if after the notification published in pursuance of the first section of this act, no person shall appear at the next circuit court of the county and prove his, her or their property in such slave or slaves. It shall be the duty of the sheriff of the county upon an order of the circuit court of said county to that effect, to sell such slave or slaves as property is sold on execution to the highest bidder for ready money, and such sale shall vest in the

When runaway slaves may be sold.

purchaser or purchasers the whole title in such slave or slaves in as full and ample a manner as a sale made by the owner could lawfully do. And the sheriff and other officers shall be entitled to the same fees on such sale as he or they would be entitled to in other cases on execution, and after deducting the costs and charges of such sale and of keeping such slave or slaves the surplus if any shall be deposited in the county treasury for the owner or owners of such slave or slaves who may establish his or her ownership and right to such surplus before any court of record in this territory.

Repeal of parts of former act.

Sec. 3. *And be it further enacted*, That all such part or parts of the act to which this act is a supplement as are repugnant or contrary to the true spirit and meaning of this act, shall be and the same is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after the first day of April next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 22nd, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Allowing salvage to persons taking up and securing for the owners, any boats, barges, crafts, vessels, rafts or other praporty lost, wrecked, or adrift, on any of the rivers or water courses in or bordering on this territory.

Water craft in perishable condition may be secured.

In what manner.

Merchandize, &c. in what manner.

BE it enacted by the *General Assembly of the territory of Missouri*, That in all cases when any boat, barge, craft, vessel, raft or other property, of any person or persons, shall be lost wrecked, or adrift, and in a perishable condition upon any river or navigable water course in this territory or bounding on the same, it shall and may be lawful for any person or persons to take up and secure the same in the manner following, that is to say, if it be boats, barges, crafts, vessels or rafts, by fastening and securing the same to the bank of the river or as near thereto as may be at the most convenient and eligible place or mooring on the river nearest the place of taking up the same, or by moving and secnring the same as aforesaid, to such other place on the river on which the same may be taken up as may be deemed most convenient, and nearest to the place where the same has been taken up And if it be articles of merchandize, country produce, or other property other than as aforesaid, either shipped on board of any boat, vessel or craft or carried away by the rising of the waters, tempest, or other such accident, the taker or takers up thereof shall secure the same by the best or safest means in his or their power without carrying the

same farther from the place of caption than may be necessary for the safe keeping, and security thereof, always having due regard to the nature and quality of the property.

To be restored on proof of ownership.

Sec. 2. *And be it further enacted*, That when any person or persons shall set up a claim as owner or owners to such property so taken up and shall prove his her or their title to the same by the oath of one or more competent witness or witnesses, or shall produce other satisfactory proof before any justice of the peace of the proper county, it shall be the duty of such taker or takers up to restore the same to such owner or owners, they paying to such taker or takers up a premium for salvage" at the rate of ten per centum upon the value of such boat, barge, vessel, craft or other property, except rafts taken up as aforesaid; *Provided however*, That the said premium for salvage shall not in any case except in such as are hereinafter provided for exceed the sum of one hundred dollars, unless the said property shall be valued to a greater sum than one thousand dollars, and it shall be made to appear by the taker or takers up, to the satisfaction of the justice to whom information of the taking up of such property may be given as is hereinafter provided for, that the said taker or takers up are justly entitled to receive a greater or larger premium for his, her or their services so rendered as aforesaid, in which case the owner or owners shall pay to such taker or takers up, such greater or larger premium for salvage as

10 per cent salvage.

Exceptions and modifications.

the said justice may order and direct. *Provided also*, That the whole amount of said premium shall not exceed a greater sum than at the rate of ten per centum upon the value of such boat, barge, vessel, craft or other property except rafts so taken up as aforesaid, and any person taking up and securing any raft in manner aforesaid, when the materials which compose the same shall consist of planks or shingles or both, the person taking up and securing, shall be entitled to receive the same salvage, as is by this act allowed to persons for taking up and securing for the owners any boats, barges, vessels, crafts or other property, and when the materials which compose any raft taken up as aforesaid, shall consist of logs, rails, firewood or timber, the person taking up and securing in manner aforesaid, shall be entitled to receive for his trouble the one fourth part of the materials which compose such raft, or the one fourth part of the proceeds arising from the sale of such raft, and if more than five thousand dollars, one hundredth part of the value thereof, and the taker or takers up of such boat, barge, craft, vessel raft or other property, shall be entitled to retain the same against the rightful owner or owners thereof until salvage be paid, or may have and maintain his, her or their action of debt, or on the case against such owner or owners for the amount of salvage due according to the provisions of this act.

Salvage on rafts of planks and shingles.

Rafts of logs, rails, firewood timber.

Takers up may detain the property until salvage be paid.

Sec. 3. *And be it further enacted*, That whenever any such property as aforesaid shall be taken up and secured as afore-

Property taken up to be reported to a

said if the same exceed the value of ten dollars it shall be the duty of the taker or takers up thereof forthwith to go before some justice of the peace, of the county in which the same may have been taken up or secured, and inform him thereof and make oath that the said property was wrecked or lost or adrift (as the case may be) without the consent of the owner or owners and in a perishable condition as he, she or they believes or believe and that he she or they was or were not directly or indirectly instrumental in causing the said property to be wrecked, lost, set adrift or placed in a perishable condition and shall also give in under oath to such justice of the peace an exact account of the special quality and quantities of such property and the time that such property was so taken up by him, her or them as near as may be, and that he she or they, has or have not secreted or disposed of, nor directly or indirectly caused to be secreted or disposed of any part thereof, and shall as soon as practicable not exceed thirty days thereafter, cause to be inserted in some newspaper printed in this territory nearest the place of taking up of such property, if there be any printed in the same, if not, then in some newspaper printed in some one of the nearest states or territories for four weeks successively, a correct and exact account of the time and place when and where the said boat, barge, craft, vessel, raft or other property (as the case may be) was so taken up, and of the discription and valuation thereof, and shall also put up at least three advertisements to the same effect, at the most pub-

Justice of peace.

Specially under oath.

Publication.

In default of which taker up loses his claim to salvage, and subjects himself to damages,

lic places in the township where such property may have been taken, within ten days thereafter. And if the said taker or takers up, shall refuse or neglect to give public notice as aforesaid he, she or they shall forfeit all his her or their right to salvage, and moreover shall forfeit and pay to the owner or owners of said property, all such damages as the said owner or owners may sustain in consequence thereof, to be recovered with costs of suit before any court having jurisdiction. *Provided however*, That when the owner or owners shall appear and prove his her or their claim and right to said property according to the provisions of this act within the time above specified, it shall not be deemed necessary for the taker or takers up to give such public notice.

Expenses of publication.

And if the amount of the property taken up shall not exceed the sum of five hundred dollars the expenses of publishing the notice in the newspaper shall be allowed to the taker up out of the property thus taken up. And any person taking up and securing any raft in manner aforesaid when the materials which compose the same,

Planks and shingles.

shall consist of planks or shingles or both, the person taking up and securing shall be entitled to receive the same salvage as is by this act allowed to persons for taking up and securing for the owner any boats, barges, vessels, crafts or other property, and when the materials which compose any raft taken up as aforesaid, shall consist of logs, rails, firewood or timber the person taking up and securing in manner aforesaid shall be entitled to receive for his trouble the one fourth part of the materi-

Logs, rails, &c.

als which compose such raft, or the one fourth part of the proceeds arising from the sale of such raft.

Sec. 4. *And be it further enacted*, That whenever any person or persons shall take up and secure any such property as aforesaid of less value than ten dollars, he, she or they may retain and dispose of the same to his her or their own use, provided the owner or owners shall not claim the same at any time within one year after the taking up thereof. And when such property shall be of greater value than ten dollars and not exceeding one hundred dollars, and shall be of a perishable nature, it shall be the duty of the justice of the peace to whom an account thereof is given in by warrant under his hand to direct the constable of his township to sell the same at public vendue, giving at least twenty days public notice, by at least three advertisements put up at most public place in his township, of the time and place of such sale. But the owner or owners thereof on proof of his, her or their ownership before such justice of the peace, may have restitution of his, her or their property at any time before sale is made, on paying the salvage and costs incurred, and after such sales the constable shall return the warrant to said justice of the peace, together with the money resulting from such sale. And it shall then be the duty of the justice of the peace, to allow to the taker or takers up his, her or their salvage according to the provisions of this act, and after paying the costs incurred, to retain the balance in his hands to be paid to the owner or owners

Of less value than 10 dolls.

Over $10 and not exceeding 100.

Justice of the peace to allow salvage.

of the property sold if he, she or they, do apply for the same, and make proof of his, her or their right at any time within six months from and after the return of the warrant of sale, and if no claimant or claimants should appear within six months, it shall be the duty of the justice of the peace to pay the said money into the county treasury, taking the treasurer's receipt therefor, which receipt shall be filed in the office of the circuit court of the proper county, and the owner or owners of any property so sold, may at any time thereafter on bringing satisfactory proof of his, her or their ownership, obtain an order from the proper court of the county for the payment thereof to him, her or them, out of the county treasury and in all cases in which property is taken up and secured as aforesaid, when such property shall be above the value of one hundred dollars, the superior and circuit courts of the territory and any judge thereof in vacation, shall have the power of ordering the sale thereof, by an order directed to the sheriff of the proper county for that purpose. And notice of such sale shall be given and the sale in every respect conducted in the same manner as when property is seized on execution, and the sheriff after paying to the taker or takers up, his, her or their salvage according to the provisions of this act and the costs incured, shall retain the money arising therefrom in his own hands until either of the said courts or some judge thereof shall authorise him to pay the same over to the owner. And the sheriff for his services under this act,

Non appearance of claimant within 6 months.

Subsequent appearance of claimant.

Above value of $100, may be sold by order of courts.

Sheriffs proceedings thereon.

shall be entitled to the same fees as he is entitled to in other cases. And when such property shall not be of a perishable nature; such justice of the peace shall cause the same to be delivered to such responsible person (if any such person willing to undertake the same, can be found) for safe keeping, taking a bond from such person in the name of the justice of the peace for the use of the owner or owners of such property conditioned for the safe keeping and re-delivery thereof to the owner or owners thereof and if no person or owners shall appear within one year and prove his, her or their ownership in his, her or their own right, or by right of representation, then such justice of the peace or any other justice of the peace of the same county, shall and may cause the same to be sold and the proceeds to be disposed of as provided in case of perishable property, and the person or persons having safely kept and redelivered such property as aforesaid shall be entitled to a reasonable compensation, not exceeding ten per centum for his, her or their trouble, to be paid and collected by such justice of the peace or the owner or owners of such property, when no responsible person can be found to receive, safely keep and re-deliver such property as aforesaid, it shall and may be lawful for such justice of the peace to cause the same to be sold and disposed of in the same manner and subject to the same restrictions, as is provided in cases of perishable property. And if such property not perishable shall be of the value of one hundred dollars or up-

When not of a perishable nature may be deposited if under 100 dollars.

Of 100 dolls. or more may be kept by sheriff.

wards, the same shall be taken possession of by the sheriff of the county and be by him kept subject to such order as the said superior or circuit court or any judge thereof shall make in that behalf. And such property shall be liable to the same mode of procedure as in cases where the same shall not exceed in value the sum of one hundred dollars.

Oaths of takers up.

Sec. 5. *And be it further enacted*, That in no case shall any person be obliged to pay salvage unless the person or persons who may have taken up the same will make oath, that he, she or they was or were not directly or indirectly intrumental in causing the property to be exposed to loss, and that he she or they have not secreted retained or disposed of, nor directly or indirectly caused to be secreted retained or disposed of any part thereof, and in case of a refusal to make such oath and to deliver the property, the owner or owners thereof with damages may recover the value thereof by an action of trover and conversion.

Embezzlement:

Penalty.

Sec. 6. *And be it further enacted*, That if any person or persons shall take, detain, secret, dispose of or embezzle any property wrecked, lost or adrift on any such river or water course as aforesaid, contrary to the true intent and meaning of this act, he or she shall be liable to pay double the value thereof to the party injured, to be recovered by action of debt, or on the case in any court having juridiction thereof.

Sec. 7. *Be it further enacted*, That if any justice of the peace shall fraudu-

lently, secret, embezzle or dispose of any money or property which may or shall come to his hands under the provisions of this act such justice shall forfeit and pay four fold the value thereof, to be recovered by action of debt or on the case one half to the use of the party injured, and the other for the use of the territory in any court having jurisdiction thereof.

Embezzlement by justice of peace.

Sec. 8. *And be it further enacted*, That in all cases within the provisions of this act where it may be necessary to ascertain the value of any boat, barge, craft, vessel, raft or other property, it shall and may be lawful for any justice of the peace of the proper county on the application of either of the parties concerned, by a warrant under his hand to depute three or more substantial householders of the neighborhood, who being duly sworn thereto shall assess and ascertain the value of such boat, barge, craft, vessel, raft or other property and return their valuation and be by him returned to the clerk of the circuit to remain in his office as a matter of record together with the warrant to the same justice of the peace which valuation as between the parties litigant shall be final and conclusive,

Value of property how ascertained.

Sec. 9. *And be it further enacted*, That when any person or persons, shall make oath before any justice of the peace, that he, she or they, has or have lost any property by wreck, the rising of the water, tempest or other such accident, and that he she or they has or have good cause tobelieve that such property so lost is secreted in possession or custody, of any

Property taken up and how recovered.

other person or persons, it shall and may be lawful for such justice of the peace by warrant under his hand to direct the constable of his township to search for and take into possession and charge, the property so secreted, and if the claimant or claimants shall prove his, her or their title to the same, in the manner herein before mentioned then it shall be the duty of such constable to deliver the said property to the claimant or claimants so proving his, her or their right, he, she or they paying the fees allowed by law for similar services.

Salvage may be paid in kind.

Sec. 10. *And be it further enacted*, That in all cases in which salvage may be demandable, under the provision of this act, it shall be at the option of the person or persons from whom the same is due to pay the same in kind at its just valuation or in money.

Property floating from a wreck.

Sec. 11. *And be it further enacted*, That in all cases where boats are wrecked and the cargoes found floating either in barrels, hogsheads, bales or otherwise that the party taking up and securing such cargoes or any parts thereof shall be entitled to fifteen per centum to be paid out of said goods so secured, or out of the proceeds of the sale thereof which fifteen per centum shall be in full compensation to the party who may have taken up the same for his, her or their services and the justices of the peace and constables shall be entitled to the same fees for services performed under this act as they are entitled to receive in other cases by law to be paid

15 per cent salvage.

Officers fees.

out of the proceeds of such sales or by the owner of such property, provided that in all cases arising under the provisions of this act allowing salvage to persons for taking up and securing for the owners, any boat, barge, vessel, craft, raft or other property and such boat, barge, vessel, craft, raft or other property shall be sold agreable to the provisions of this act, the person to whom salvage is due shall only be entitled to his per centum by this act, allowed for salvage on the amount of the proceeds of such sale, any thing in this act to the contrary notwithstanding

Per cent to be calculated on amount of proceeds.

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY, 23d. 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Altering the terms of holding the superior court in the county of Arkansas.

BE *it enacted by the General Assembly of the territory of Missouri*, That the term of the superior court, in and for the county of Arkansas, shall hereafter be holden in said county, on the third Monday in July and first Monday's of No-

Terms.

vember and March in each year, in lieu of the terms now established by law for holding the same.

Duties of the judge.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge of the superior court, for the county of Arkansas, to hold three terms of the said superior court, in said county, at the times herein before mentioned.

This act shall commence and be in force from and after the first day of June next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 24th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

For the restrainst support and safe keeping of persons of unsound mind.

BE it enacted by the *General Assembly of the territory of Missouri*, That upon information in writing being given to the circuit court that any person in the county is of unsound mind and on application that the fact may be inquired into, it shall be the duty of such court to enquire into the fact either by jury or otherwise and if it is found that such person is of unsound mind and incapable of prudently managing his affairs, the said court may

Circuit court to enquire as to the fact.

appoint a guardian over the person property and effects of such person of unsound mind for any term not exceeding one year, and make such order respecting the support, restraint and safe keeping of such person of unsound mind, as to them shall seem just and proper. And whenever the estate of such person of unsound mind shall be sufficient for the support of his family, (if any he have) and himself, the said person shall be supported out of such estate, and the costs of such application if it is found that such person is of unsound mind and incapable of prudently managing his affairs, shall be paid out of his estate if he has any, otherwise out of the county treasury, and if the jury or the court should find that such person is of sound mind the costs of the application and trial shall be paid by the person making the application, and execution issue therefor as in other cases, but when the court shall be satisfied that the estate of such insane person is insufficient for the support of himself and family (if any he have or of himself if he has no family,) the court shall have power to make and order that such sum shall be paid to the guardian of such insane person out of the county treasury, as to them shall seem just and reasonable, and the treasurer on the application of such guardian is hereby required to pay the amount of such order, and the court shall take such security of the guardian as they shall think fit, and may require such guardian to come before them to give an account of the situation of such insane persons mind, or to give any other information respect-

Appoint a guardian.

Support.

Costs of trying the fact.

Mode of drawing support from the treasury.

ing the keeping of such persons, the court shall think right.

Incapable of contracting.

Sec. 2. *And be it further enacted*, That such person of unsound mind as aforesaid shall not have power to enter into any contract without the consent of such guardian who is hereby authorised and required to declare all contracts entered into by such insane person, without his approbation to be void and of no effect, and may bring suit for and recover any property which such person of unsound mind has disposed of without the consent of the guardian.

Guardian to give notice of his appointment.

Sec. 3. *And be it further enacted*, That it shall be the duty of the person appointed as guardian under this act, to give notice thereof within thirty days after his appointment in some newspaper printed in this territory for the space of four weeks next after such appointment, and also give notice thereof by posting up three advertisements in the township in which such person of unsound mind resides, at the most public place in such township.

Sec. 4. This act shall take effect and be in force from and after the first day of March next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 24th 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to and amendment of the several acts directing the probate of wills and for other purposes.

BE *it enacted by the General Assembly of the territory of Missouri*, That the estates of persons dying intestate, in this Territory shall descend and be distributed in the manner following, viz. If the intestate shall leave a widow and child or children, the dower of such widow shall be one third part of said estate, after all just demands against the said estate are just paid in the way prescribed in the act to which this is an amendment, with such other and further provisions as is hereafter provided in this act and the remaining two thirds to descend and be distributed to the said child or children, as is heretofore provided by law, and any person dying intestate, leaving a widow and no lawful issue, said widow shall be entitled as her dower, to the one equal half of the estate of which her said husband died seized and possessed after his just debts are paid as aforesaid the personal estate absolutely and the lands and slaves if any for and during her natural life, and when such intestate shall leave no child or children, the personal estate, negroes and real estate which came to said husband by the said wife shall become the property of the said widow absolutely, and the real estate and negroes which did not come to the said husband in right of his said wife, shall on the death of said widow descend to the father of the said husband, so as aforesaid de-

Widow 1-3 after payment of debts.

Children 2-3

Widow 1-2 if no children.

Property which came by the wife.

ceased if any, and if there is no father living they to decend to the next nearest of kin as is directed by the act to which this is an amendment.

In cafes of insolvency.

Sec. 2. *And be it further enacted*, That also that in all cases where the estate is insolvent or is indebted to the full amount of said estate, the widows if any shall be allowed to keep as her absolute right, her implements of industry, such as cards, wheels, spun yarn of every kind also all the cloth and clothing made up in the family by said widow and family, for their own use, and also such property, goods, wares and furniture as said widow may think proper, not to exceed the appraised value of one hundred and fifty dollars.

Widow's receipt.

Sec. 3. *And be it further enacted*, That all executors or administrators, where they have good cause to believe that the estate to which they are executors or administrators, is insolvent or otherwise indebted to the full amount of the estate, after said estate is appraised, as required by law as above, shall deliver such articles as before recited in this act, to the said widow and take her receipt for the same, which receipt shall be allowed said executor or administrator in their settlements of said estates, and in all cases where it may be found by executors or administrators after delivering the property as above described to the said widow that the said estate is not insolvent or indebted to the full amount of the estate, the said widow shall discount the amount of said receipt, by her given to such executor or administrator as so much of her

To be discounted in

one third part or half of the estate of her deceased husband as the case may be or may be allowed to re main after his just debts are paid.

Sec. 4. *And be it further enacted*, That when any person shall die in this territory whether testate or intestate and shall not have sufficient goods, chattles, rights, credits, effects, lands and tenements from the sales and products of which his funeral charges, allowances of household furniture and provisions for the wife as herein before provided, being always paid first and excepted, and where there is not more than a sufficency to pay and discharge his just debts, the widow shall not be entitled to any dower in the lands and tenements or real estate of her husband, but said widow shall be entitled to tarry in the mansion house of her deceased husband, and the plantation thereto belonging of which he died seized and possessed, rent free for the term of two years next ensuing the death of her said husband and to no greater or further allowances of the personal estate than in this act is provided, any law custom or usage to the contrary notwithstanding. Provided always that the provisions of this act shall not be construed to impair the rights of persons under any contract of marriage heretofore or hereafter to be made, or the right of dower absolutely vested before the passage of this law.

In cases of insolvency widow not entitled to dower in real estate.

Sec. 5. *And be it further enacted*, That all lands, tenements, hereditaments, shall be liable to be seized and sold upon judg-

Real estate may be sold to satisfy judgments.

ment and execution obtained against the defendant or defendants in full life or against his or her heirs executors or administrators after the decease of the testate or intestate, provided, no such lands, tenements or hereditaments shall be seized and sold until after the expiration of eighteen months from the death of such ancestor or the date of the letters of testamentary or letters of administration, and execution may issue against such lands, tenements or hereditaments after the death of such ancestor, testate or intestate, and after the time aforesaid, in the same manner as if such person were living.

After 18 months.

Sec. 6. *And be it further enacted*, That all acts and parts of acts that are repugnant or contrary to the true intent and meaning of this act shall be and the same are hereby repealed.

Repeal of former acts.

Sec. 9. *And be it further enacted*, That this act shall commence and be in force from and after the first day of April next.

In force first April.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 25th 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To authorise a lottery for the purchase of Fire Engines and other apparatus for the extinguishment of fire, for the use of the town of St. Louis.

BE it enacted by the General Assembly of the territory of Missouri, That Auguste Chouteau, William C. Carr, Theodore Hunt, Henry Vonphul and Thomas F. Riddick, be, and they are appointed commissioners for the purpose of raising a sum of money not exceeding three thousand dollars after the payment of all necessary expences by means of a lottery, to be applied and appropriated toward the purchase of fire engines and such other necessary apparatus for the extinguishment of fire, as the said commissioners may deem fit, which said fire engines and apparatus when so purchased by the said commissioners, who, or a majority of them are hereby authorised to purchase the same out of the funds to be raised as aforesaid shall be for the use of the town of Saint Louis.

Commis'ers.

Purchase of fire engines.

Use of town of St. Louis.

Sec. 2. *And be it further enacted*, That the said commissioners or a majority of them are hereby invested with all the powers incident to or necessary to carry into effect the objects of this act, and more especially they shall be and they are hereby authorised to form and adopt the plan or scheme of the lottery to superintend the drawing of the same at such times and places as they may appoint, which said scheme when adopted and published shall be unalterable, they shall have power to collect by way of suit or

Powers of commis'ers.

suits any sum or sums of money that may become due or be promised to them for tickets in said lottery. And shall have power to sue and be sued for any violation or non performance of any contract bargain or promise that may be made with them of and concerning the object of this act, any law of this territory to the contrary notwithstanding; *Provided*, That if the commisioners shall not proceed to draw said lottery agreeably to the plan or scheme by them published, it shall be the duty of the commissioners to pay back on demand to any person holding ticket or tickets of said lottery, the established price of said tickets agreeable to the scheme or plan of said lottery as published by said commissioners.

Proviso and duties of commissioners if lottery be not drawn.

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY, 28th. 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to an act to regulate elections.

BE it enacted by the General Assembly of the territory of Missouri, That at all general or special elections to be held

Clerks of election to

in this territory in pursuance of the act to which this is a supplement, the clerks of said elections shall furnish themselves with two poll books, as near as circumstances will admit, in the following form, to wit: "A poll book of an election held in the township of in the county of on the day of in the year of our Lord, one thousand eight hundred and ." provide poll books.

Form

Names of voters.	Names of voters.	Persons names whose votes were rejected.

And at the bottom of the poll book the judges and clerks shall annex the following certificate, to wit: "At an election held in the township of in the

county of on the day of in the year of our Lord, one thousand eight hundred and , the following named persons had the number of votes annexed to their respective names for the following described offices, to wit.

Delegate to Congress, A. B. had votes,
C. D. had votes &c.

Members of the Legislative Council.

E. F. had votes
P. H. had votes, &c.

Members of the House of Representatives.

I. J. had votes
K. L. had votes, &c.

Certified by us,

A. B. } *Judges of*
C. D. } *the election*
E. F. }

Attested,

M. N. } *Clerks of the*
O. P. } *election.*

Certificates of oaths of judges and clerks.

And the justice or person administering the oath to the judges and clerks of the election, shall make out a certificate of the same in the form prescribed by the law to which this is a supplement, which certificate shall be attached to and form a part of the poll-book.

Sec. 2. *And be it further enacted*, That this act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 29th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT,

Supplementary to the act providing for the levying and collecting territorial and county taxes.

BE *it enacted by the General Assembly of the territory of Missouri*, That it shall be the duty of every person within this Territory to give to the assessor of the county wherein such person resides on oath or affirmation, according to the best of his, her, or their knowledge, a just, true and faithful list according to law of all the taxable property which such person may have owned or possessed in said county on the first of January in every year.

Lists of taxable property to be given to assessor.

Sec. 2. *And be it further enacted*, That it shall hereafter be the duty of all residents of this territory owning or claiming any lands lying in any part thereof made taxable by law, to enter the same for taxation with the assessor of the county wherein the land lies, and in failure thereof it shall be the duty of such assessor to list and enter the same from the best information he may possess or acquire, and in that case shall impose double the usual tax on such land, and the sheriff of each county shall have full and complete power and authority to sell and dispose of any land within his county to pay taxes due thereon, and such sale made according to law, shall transfer and vest all the right, title, claim and interest of any person or persons whatsoever thereto, in the purchaser, subject to redemption according to the provisions of the act to which this is a supplement.

Residents to enter their lands.

or

taxed double.

Power of sheriff to sell.

Redemption.

No trade with indians within the boundery unless by license.

Sec. 3. *And be it further enacted*, That it shall not be lawful for any person to trade or traffic with goods, wares or merchandize of any description with indians, hunting or residing within the limits of this territory, to which the indian title has been extinguished, nor shall any person for the purpose of trade or traffic reside at any of the indian towns or hunting camps of any of the indians residing or hunting within the limits aforesaid without a license for that purpose, first obtained from the clerk of the circuit court of the proper county in manner following to wit, the applicant shall present to the said clerk a written permission from the governor of this territory for the time being, authorising the said clerk to issue a license to the applicant on his complying with the requisites of the law, and said applicant shall pay therefor for the use of the territory the sum of fifty dollars, besides two dollars to the clerk for his fees, and shall also enter into a bond with sufficient securities to be approved of by said clerk payable to the governor of the territory and his successors in office, in the penal sum of three thousand dollars, conditioned that such applicant will faithfully observe all such regulations and restrictions as are or shall be made for the government of trade with such indians, and that such trader will not give away, sell, or deliver any ardent spirits to said indians, or cause or permit the same to be done; Whereupon the said clerk may issue a licence to such person to trade with such indians in such county for one year from the date thereof, and said clerk shall transmit

From clerk of circuit court.

Bond.

Conditions.

a copy of said bond as soon as may be to the governor of the territory, and file the original in his office. And if any person or persons shall without such license remove or reside at or trade or traffic or attempt to trade or traffic with such indians at the indian towns or hunting camps of said indians, within the limits of any county in this territory, such person shall on conviction thereof, before any court of competent jurisdiction, forfeit all the goods, wares and merchandise, and effects carried into such place or places for the purposes of traffic aforesaid, and all furs, peltries and effects in his possession, one half of the value thereof, shall go to the person prosecuting such offender to conviction, and the other half for the use of the territory, and such offender shall moreover be imprisoned for a term not exceeding one year, *provided always*, That the prohibitions of this section, shall not be construed so as to prevent any person or persons who are authorised to vend merchandise, from trading or trafficking with Indians in any town or village (not an Indian town or village) in this territory, and provided also that nothing in this section contained, shall prevent the inhabitants of this territory or any of them from trading at their own places of residence, or any merchant not being a pedler who is licensed to trade at his own store or stand. Penalty. Proviso.

Sec. 4. *And be it further enacted*, That any person or persons, selling goods, wares or merchandise, not the produce, growth or manufacture of this Territory, by way of pedling or going from place to place to vend the same, shall previous Pedlars.

to exposing the same for sale, either by himself or agent, pay to the sheriff of the county wherein he shall so sell or vend said goods, wares or merchandise, the sum of fourteen dollars, and it is hereby made the duty of the Sheriffs in the several counties, to grant licenses to such pedlers, to vend such goods, wares and merchandise in their respective counties, for six months, and all monies collected by the sheriff in pursuance of this section, shall be accounted for by them in the same manner as other monies for licenses are, and it shall be the duty of the clerk of the circuit court, to issue any number of blank licenses, under the direction of the said court, which licenses shall be in the same form as the licenses for venders of merchandise are except that they shall specially state, that the person or persons, who may have obtained such licenses, shall only be entitled by virtue thereof, to vend goods, wares or merchandise as a pedler, and the sheriff shall be charged with such license, and accompt therefor in the same manner as is prescribed in the fifth section of the act to which this is a supplement.

Taxes.

Sheriff's account.

Blank licenses.

Sec. 5. *And be it further enacted*, That the circuit court of the respective counties, shall allow their sheriffs the actual expence by them incured in publishing the delinquent list and lists of taverns and other licenses.

Sheriff's expence for publishing delinquent lists allowed.

Sec. 6. *And be it further enacted*, That it shall be the duty of the several clerks of the circuit court, within this Territory, at the time they are obliged by law, to

List of monies due the territory.

transmit the list of allmonies due to the territory, the amount of such list in writing, incorporated in the body of the certificate, and affix the seal of his office thereto; and if any clerk shall forward a list of monies due the Territory, to the Territorial auditor, without such certificate, seal, and the amount of such list incorporated as aforesaid, in the body of the certificate, upon being thereof convicted, before any court having competent jurisdiction, he shall be removed from office, and each and every sheriff, shall on receiving the list of the property made taxable by law in his county, acknowledge the receipt and amount of such list, on the other two in writing, endorsed on the same.

To be sent up to territorial auditor.

Penalty for neglect.

Sheriffs receipt for list of taxable property.

Sec. 7. *And be it further enacted*, That the Territorial Treasurer shall, and is hereby authorised and required to call for all certificates which may have been issued and remain unpaid, to be presented on or before the first day of September, one thousand eight hundred and seventeen, and the auditor shall allow said treasurer the actual expence he may be at in making such call, and issue his certificate therefor, and on such certificate or certificates being presented to the treasurer, he shall pay the amount of the same, out of any monies remaining in the treasury, not otherwise appropriated, and in case of no such monies being in said territorial treasury, he shall in a separate book to be by him kept for that purpose, take an account of the number, amount and whose favour drawn, of all such certificates as shall or may remain unpaid, as aforesaid.

Treasurer to call for certificates.

Compensation for the expense.

Account of those which remain unpaid.

Acc'ts. to be kept by auditor.

Sec. 8. *And be it further enacted*, That the territorial auditor shall charge the territorial treasurer with the amount of all monies paid into the territorial treasury, and shall give said treasurer a credit for the amount of all pay which he may have made, and which shall be supported by sufficient vouchers, and if after comparing the treasurers books and vouchers, and striking the balance the auditor shall find that the treasurers credits are justly and lawfully supported, he shall make the balance on the auditors books to agree with the balance on treasurers book by giving said treasurer a credit for all monies he may have heretofore paid on certificates, collectors commissions, interest on certificates, and officers salaries, or that he may hereafter pay on certificates interest on certificates and officers salaries, provided that after the passage of this act, the treasurer shall not give the sheriffs or collectors a credit for the amount of their commissions for collecting nor shall any warrant be entitled to draw interest after the first day of September one thousand eight hundred and seventeen, except such warrant shall have been presented to the territorial treasurer for payment and the payment thereof refused by said treasurer for want of funds in said treasury, in which case the said warrant shall bear interest and the treasurer shall on such warrant being presented to him note the thereon time it was presented for payment.

Interest on warrants when to cease.

Treasurer to state balances—when.

Sec. 9. *And be it further enacted*, That it shall be the duty of the territorial treasurer to state the balance on his books

annually, on the second monday of December so as to show the amount of monies received and paid out and the balance if any remaining in the treasury and shall compare, examine and settle his said book with those of the auditor, and it shall be the duty of the auditor to lay before the legislature in the month of December at each and every session of the legislature a statement of all monies received in the treasury for the use of the territory and of all monies actually paid out, and to whom and on what account and under what law the amount of the balance remaining in the treasury if any and the amount of certificates which may be there issued and remain unpaid.

Auditor to submit accounts to legislature.

Sec. 10. *And be it further enacted*, That instead of the compensation now allowed by law for assessing and collecting the territorial and county taxes the said sheriff shall be allowed for assessing and taking in the list of taxable property four per centum on the amount of monies collected after the assessors list is corrected by the clerk of the circuit court on appeal, and six per centum on the amount of monies collected for collecting territorial and county taxes.

Sheriffs compensation to collection &c. &c.

Sec. 11. *And be it further enacted*, That so much of the act providing for levying and collecting territorial and county taxes approved the twenty first day of January one thousand eight hundred and fifteen and so much of the sixth section of the act supplementary to the act providing for the levying and collecting the territorial and county taxes approved the twenty fourth day of January one thousand

Repeal of former acts.

eight hundred and sixteen, and so much of any other acts of this territory as are repugnant to and inconsistant with the provisions of this act shall be and the same are hereby repealed.

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 29th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To incorporate the trustees of the Potosi academy in the county of Washington.

Preamble.

WHEREAS several inhabitants of the county of Washington have by subscription among themselves, built and in part finished two houses at Mine a Burton in said county, for the purpose of erecting and establishing an academy therein, for the education of youth, by the name of the Potosi Academy; which academy is now in operation and trustees named by the subscribers thereto, to superintend the same: And whereas, by a law passed at this session of the legislature, the sum of four thousand dollars is authorised to be raised by lottery for the benefit of the said

academy and paid to the trustees thereof,

BE *it therefore enacted by the General Assembly of the territory of Missouri*, That on the first saturday in the month of September annually, an election shall be held at the said academy, for seven trustees of the said academy for the ensuing year, which election shall be by ballot, no person shall be entitled to a vote at the said election except a free white male inhabitant of the age of twenty one years or upwards, who have subscribed and paid at least the sum of five dollars towards said academy, and have resided within said county one year, preceding such election; the election shall be kept open from twelve o'clock in the forenoon until four o'clock in the afternoon, each ticket shall contain the name of seven persons for trustees, who have resided in the said county one year previous to the election, and who have also subscribed and paid the sum of ten dollars at least to the said academy previously thereto. After the election is closed the tickets shall be examined and counted and the seven persons having the highest number of votes shall be trustees for the said academy for one year thereafter, and in case no election shall be held on the day herein appointed for the purpose, until succeeding trustees shall be appointed according to the foregoing provisions of this act, the first election shall be on the first saturday of September next and until such election shall take place, William H. Ashly, Lionel Brown, John R. Jones, Moses Austin, David Wheeler, Moses Bates, Ben-

Electors of trustees by ballot.

Qualifications of voters.

Trustees previously to an election.

jamin Elliott, James Austin, William Perry, John M'Ilvain, Andrew Scott, John Hawkins and Abraham Brinker are hereby named and appointed trustees thereof, and they and their successors in office shall be and they are hereby constituted a body politic and corporate; to be known by the name of the trustees of the Potosi academy and by that name shall have perpetual succession in office, and a common seal.

Body politic and corporate.

Sec. 2. *And be it further enacted*, That there shall be a monthly meeting of the trustees of said academy on the first Saturday of every month, and the president or any two of said board, shall have power to call a special meeting, giving at least two days previous notice thereof in writing in one or more of the most public places in the town of Potosi, any five of said trustees at any stated, adjourned or special meeting shall form a board or quorum, and a majority of them shall be capable of acting and doing all the business and concerns of the academy and particularly of entering into contracts for erecting or repairing any building or buildings necessary for the said institution, of making and enacting any bye laws and ordinances for the government of said academy, not contrary to the constitution or laws of the United States or the laws of this territory, of filling vacancies in the board of trustees occasioned by the death, resignation or removal out of the territory until the next annual election, of electing and appointing the principal professors and teachers of the said academy, of agreeing with them for their salaries and stip-

Special meetings.

Powers.

ends, and removing them for misconduct or breach of the laws of the institution, of appointing a committee of their own body to carry into execution all and every the resolutions of the board, of appointing a president, treasurer and secretary and stewards, managers and other necessary and customary officers for taking care of the estate and managing the institution and to pay them for their services. *Provided*, that all vacancies in the board of trustees shall be filled at a standing meeting of the board.

Vacancies how supplied.

Sec. 3. *Be it further enacted*, That the said trustees shall have power to demand, sue for and receive and recover the money materials and labour already or that may hereafter be subscribed for the use of said academy, now called the Potosi academy, but heretofore called the Mine a Burton academy, and expend the same for the purposes of said academy, in such manner as they shall deem proper.

Powers of trustees.

Sec. 4. The said academy shall be divided into branches with the necessary teachers and masters in each to be denominated the senior and junior branches; in the senior branch the said trustees shall at all times cause the english language to be taught in the said academy, together with such other languages and sciences as are usually taught in seminaries of learning, so far as the funds of the institution and circumstances will admit in the junior branch the said trustees shall at all times cause the first principals of literature, with reading, writing and arithmetic, as far as the rule of "*three*" at least to be taught in the said academy.

Clafses of the academy.

No distinctions to be made on account of religious opinions.

Sec. 5. *Be it further enacted*, That no preference shall be given or any discremination be made in the choice of trustees, professors, teachers, or students on account of religious sentiments, nor shall the trustees, professors or teachers, at any time, make bye laws, ordinances or regulations, that may in any wise interfere with or in any manner control the rights of consience or the free exercise of religious worship.

The trustees may acquire property.

Sec. 6. *Be it further enacted*, That the said trustees and their successors shall by the name and stile aforesaid be capable in law to purchase, receive, and hold to them and their successors any lands, tenements, goods and chattels, of what kind so ever they may be, which shall be given or devised to or purchased by them for the use of said academy, and shall sell and dispose of the same in such manner as shall seem most conducive to the interest of said academy.

In force.

Sec. 7. This act shall be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 30th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT,

For the relief of Frederick Connor.

BE *it enacted by the General Assembly of the territory of Missouri*, That there be remitted to Frederick Connor, late of the county of St. Louis, all such sum or sums of money (costs of suit excepted) which may be due and unpaid by the said Frederick Connor, upon a judgment rendered in the circuit court, at a court held within and for the northern circuit of this territory, at the town of St. Louis, for the term of August in the year one thousand eight hundred and sixteen, upon an action brought by the United States of America, to and for the use of the county of St. Louis, against the said Frederick Connor, as security for one Ira Hewitt. Remission of judgment.

Sec. 2. *And be it further enacted*, That the sheriff of the county of St. Louis, shall be, and he is hereby authorised to pay back to the said Frederick Connor, out of any money in the county treasury, all such sum or sums of money which may have been collected from or paid by the said Frederick Connor, upon the judgment aforesaid, the costs of suit only excepted. Except costs

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.
JOHN WARD,
President of the Legislative Council.
APPROVED, JANUARY, 30th. 1817.
WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To authorise the commissioners of the court house and jail of the county of Cape Gerardeau to convey a certain quantity of land in the town of Jackson to commissioners for the use of erecting a school house.

Commissioners empowered to convey land for a school house.

BE it enacted by the Legislature of the territory of Missouri, That the commissioners for the court house and jail, in the county of Cape Girardeau, or a majority of them, be and they are hereby authorised to convey to Joseph M'Ferron, Zenas Preist, Thomas Neal, Joseph Seawell and Thomas Stewart, or a majority of them four acres of land in the town of Jackson, in the county of Cape Girardeau, to them, and their successors intrust for the use and benefit of erecting a school house thereon to be laid out in such part of the said town as the said commissioners of the said court house and jail and the said Joseph M'Ferron, Zenas Preist, Thomas Neal, Joseph Seawell and Thomas Stewart or a majority of them, shall agree upon.

Trustees bond.

Sec. 6. *And be it further enacted*, That the said Joseph M'Ferron, Zenas Preist, Thomas Neal, Joseph Seawell and Thomas Stewart, shall before they are enabled to receive a deed of conveyance from the commissioners of the court house and jail, for the said four acres of land shall give a bond with security to the judge of the circuit court, for the county of Cape Girardeau, and his successor in office in the sum of six hundred dollars,

for faithfully disposing of the said four acres of land and appropriating the proceeds arising therefrom, for the purpose of erecting a school house thereon, in such manner as the said Joseph M'Ferron, Zenas Preist, Thomas Neal, Joseph Seawell and Thomas Stewart, or a majority of them, may deem necessary in order to carry into effect the true intent and meaning of this act.

Vacancies in board of trustees how supplied.

Sec. 3. *And be it further enacted*, That upon the death, resignation or removal from this territory of the said Joseph M'Ferron, Zenas Preist, Thomas Neal, Joseph Seawell and Thomas Stewart or either of them it shall be the duty of the circuit court, for the county of Cape Girardeau to fill such vacancy and the person or persons appointed to fill such vacancy by the death, resignation or removal from the territory, of the said Joseph M'Ferron, Thomas Neal, Joseph Seawell and Thomas Stewart or either of them shall be bound to comply with the requisites contained in the second section of this act.

In force.

Sec. 4. This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 30th 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To incorporate a board of trustees for superintending Schools in the town of St. Louis.

Trustees.

BE it *enacted by the General Assembly of the territory of Missouri*, That William Clark, William C. Carr, Thomas H. Benton, Bernard Pratte, Auguste Chouteau, Alexander McNair and John P. Cabanne, and such other persons as shall be appointed in a manner and to the number herein after directed, shall form and constitute a board of trustees for the regulation of schools in the town of St. Louis, and the said corporation and their successors, are constituted and declared a body corporate and politic, and shall have full power to take and hold by gift, grant or otherwise, any estate, either real or personal, which may be given for the use of schools, and to lease, rent or dispose of to the best advantage, all the lands and other property which hath been or may be given by Congress to said town for the support of schools, and appropriate the same, with the avails of what is rented or leased as by law directed, and by themselves or their attornies to institute, maintain or defend, any suit or suits which shall be sued or prosecuted, either in law or equity for the recovery or defence of the said property, as they shall find necessary, to employ teachers, to direct the studies of the youth, to make and establish all necessary rules, regulations and bye-laws for the good government of said schools: *Provided however*, That the rules, regulations and bye-laws shall not be repugnant to the laws of this

Powers of the corporation.

territory, *And provided also*, That the said bye-laws shall not tend to give a preference to any religious denomination whatever.

Vacancies how supplied.

Sec. 2. *And be it further enacted*, That the said trustees shall have power to fill all vacancies which may happen in their number, by death removal or otherwise. And when and as often as they may deem it necessary to promote the interest of said schools, to appoint other persons in addition to their number: *Provided however*, that the number of trustees shall never exceed thirteen.

1st meeting of the board.

Rules.

Town property.

Sec. 3. *Be it further enacted*, That the person first named in the board of trustees, be empowered to call the first meeting of the board, at such time and place as he may think fit, and when convened, the said trustees shall appoint a chairman, and adopt regulations for their own proceedings, shall take into consideration the state of the grants and donations for the use of schools, and devise means for securing the same and of putting them in a stat- of profit, and as soon as the state of the funds which may be appropriated, will justify, shall erect or procure suitable buildings, and provide the necessary apparatus for instruction and transact such other business as they shall find necessary and proper, to be done towards establishing schools in the town of St. Louis.

Buildings for schools.

Records of proceedings.

Sec. 4. *Be it further enacted*, That the trustees shall keep records of their proceedings, and when required, shall lay them with the state of the funds and

Report to legislature.

appropriations by them made before the legislature of the territory.

Sec. 5. *Be it further enacted*, That this act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 30th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To authorise a lottery to erect a Masonic Hall in the town of St. Louis.

BE it enacted by the *General Assembly of the territory of Missouri*, That Joshua Pilcher, Thomas Brady, Thompson Douglass, David V. Walker and Thomas Hanly, be, and they are hereby appointed commissioners for the purpose of raising a sum of money not exceeding eight thousand dollars after the payment of all necessary expences, by means of a lottery, to be applied towards the erecting a Masonic hall in or adjacent to the town of St. Louis,

Commissioners.

Sec. 2. *And be it further enacted*, That the said commissioners or a majority of them are hereby invested with all the power incident to or necessary to carry into effect the object of this act, and more

Powers.

especially they shall be and are hereby authorised to form and adopt the plan or scheme of the lottery, to superintend the drawing of the same, at such times and places as they may appoint, which said scheme when adopted and published shall be unalterable; they shall have power to collect by way of suit any sum or sums of money that may become due, or be promised to them for tickets in said lottery, and to contract for the building of such a house and the purchase of a lot whereon the same is to stand, as they may think proper, and may sue and be sued for the violation or non performance of any contract that may be made with them of and concerning the object of this act.

Sec. 3. *And be it further enacted*, That if any of the said commissioners should die, resign, or move out of the county, or if a vacancy shall happen from any other cause, it shall and may be lawful for the society of free masons, then in the town of St. Louis, to fill such vacancy by appointing other commissioners in their stead, who when so appointed shall have the same powers as the commissioners herein appointed could or would have if such vacancy had not happened. Vacancies supplied.

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives,
JOHN WARD,
President of the Legislative Council.
APPROVED, JANUARY 30th 1817.
WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To legalize the proceedings of the commissioners of the county of Washington.

Preamble.

WHEREAS it appears by the act entitled "an Act erecting a part of the county of St. Genevieve into a separate county, by the name of Washington county and fixing permanently the seat of justice and public buildings within the same," that Lionel Browne, Samuel Perry, John Hawkins, Martin Ruggles and John Andrews, were appointed commissioners for carrying said act into effect, and it was among other things made their duty to procure by purchase or otherwise, not less than fifty acres, nor more than two hundred acres of land, on which to fix permanently the seat of justice of said county. And it further appears, that the said commissioners, in conformity with the requisitions of said act, did on or about the seventh day of June, eighteen hundred and fourteen, make such arrangements for fifty acres of land, adjoining the village of Mine a Burton, as were deemed sufficient to secure the title, on which fifty acres they proceeded to fix permanently the seat of justice of said said county, and to lay off a town, since called Potosi, and to sell lots in said town agreeably to said act. But it also appears that afterwards the commissioners were disappointed in procuring a title for the whole fifty acres, the deed for ten acres of it, being refused and withheld from them, in consequence of which they have not complied with that part of said act before recited, which requires them to procure not less than fifty acres. For remedy whereof,

BE *it enacted by the General Assembly of the territory of Missouri*, That the location of the seat of justice of Washington county, made by the aforesaid commissioners, adjoining the village of Mine a Burton, and at this time called Potosi, shall be, and is hereby declared to be as legal and permanent a location as it would have been, had the said commissioners a complete title to fifty acres of land.

Potosi assumed as seat of justice.

Sec. 2. *And be it further enacted*, That all the acts and doings of such commissioners which would have been legal and obligatory had they complied with the said act, as to the fifty acres shall be, and the same are hereby declared to be legal and obligatory to the extent they would have been legal and obligatory, had they fully complied with the requisitions of said act, as far as relates to the fifty acres: *Provided*, that nothing in this act contained, shall be construed in any manner to infringe upon, impair or in any manner affect the right of any person who is interested in the lots, in said town of Potosi.

Acts of commissioners sanctioned.

Proviso.

Sec. 3. This act shall take effect and be in force, from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 30th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

For the prevention of certain trespasses.

BE it enacted by the *General Assembly of the territory of Missouri*, That if any person shall cut down, injure or destroy, or carry away, any tree or trees whatever, placed or growing for use, shade or ornament, or any timber, wood or underwood, standing, laying or growing on the land of any other person or shall dig up, quarry or carry away any stones, ore, or mineral, gravel, clay, turf or mould, roots, fruits or plants, or cut down or carry away any grafts, grain, corn, flax or hemp, in which he hath no interest or right, standing, laying or being on any land not his own, or shall knowingly break the glass or any part of it, in any building not his own; or injure or destroy any building not his own the person so trespassing or offending shall forfeit and pay the party injured, treeble the amount of the thing so damaged, broken, destroyed or carryed away, together with costs of suit; And if any person shall voluntarily throw down or open any doors, bars, gates or fences and leave the same open or down, other than those which lead into his own enclosure, the person so offending, shall forfeit and pay to the party injured, the sum of five dollars, and also double the amount of the damage the party shall sustain by reason or in consequence of such doors, bars, gates or fences having been thrown down or opened as aforesaid together with costs of suit.

Trespafses as to trees.

As to stone mineral, gravel, clay, turf, mould, grafts, grain corn, flax, hemp &c.

As to buildings.

Damages.

As to doors gates fences, &c.

Damages.

Sec. 2. *And be it further enacted*, That all penalties contained in the first section of this act, shall be recoverable, with

How recovered.

costs of suit, by action of debt, founded on this statute brought before any justice of the peace of the township where the defendant resides, when the damages demanded shall not exceed the sum of twenty dollars, saving to either party the right of appeal, under the same regulations and restrictions that are contained in the seventh section of an act defining the powers and duties of justices of the peace in matters of a civil nature And when the sum demanded shall exceed twenty dollars, the plaintiff may bring an action of trespass, in any court of record having jurisdiction of the same, *Provided always*, That if in any action instituted before a justice of the peace as aforesaid, the defendant shall set a title to the land on which any of the trespasses mentioned in the first section of this act, are alledged to have been committed, the justice shall forthwith order the defendant to give good and security sufficient by recognizance to be taken and acknowledged before such justice and approved of by him, in a sum sufficient to cover the amount of the penalty or penalties sued for with costs, to prosecute with effect his claim or title to the said land, within one year thereafter or to appear and defend the action to be instituted against him, her or them within one year thereafter, by virtue of the provisions herein contained in any court of record, within this territory having cognizance thereof; And in either case, to abide by and satisfy the judgment of the court, then the said justice shall proceed no further in the said cause, but forthwith dismiss the parties, and it

Before a justice.

shall be the duty of said justice, thereupon to tax the costs that may have accrued before him, and as soon as the action shall be renewed or instituted for the purpose aforesaid to transmit the said bill of costs, together with the recognizance so by him taken as aforesaid, to the clerk of the court in which such action shall be instituted or renewed, which costs so taxed and transmitted shall be made a part of the judgment to be rendered as aforesaid; *Provided nevertheless*, That if judgment shall be obtained in said court by the party in whose favor such recognizance was taken, such judgment shall be for the amount of the penalty or penalties incured: and provided also, that on the trial of any action, whether of debt or trespass brought on this statue, if it shall appear that the defendant had probable cause to believe that the land on which the trespass is alledged to have been committed, or that the thing so taken, carried away, injured or destroyed, was his own, then in that case, the plantiff in the action shall recover single damages only, together with costs of suit.

Before a court of record.

Sec. 3. *And be it further enacted*, That if the said recognisance shall become forfeited for not prosecuting as aforesaid, the justice shall proceed to enter judgment against the defendant or defendants, for the demand of the plantiff, with costs, which shall in such case be deemed and taken to be confessed, and shall issue execution thereupon against the said defendant or defendants, his, her or their security or securities. And if the said

Forfeiture of recognizance.

recognizance shall be forfeited for not appearing to and defending, or for not abiding by and satisfying the judgment that shall or may be given in the said court of record, the party for whose benefit such recognizance was taken, may by writ on writs of *scire facias* to be issued from such court of record, proceed to judgment and execution thereon against such defendant or defendants, his, her or their security or securities. Scire facias.

Sec. 4. *And be it further enacted*, That if the slave of any person in this territory, shall commit any of the trespasses or offences contained in the first section of this act—it shall and may be lawful for the person injured to bring an action for the recovery of any of the penalties herein before contained, against the master or mistress of such slave, under the same regulations and restrictions as are in this act heretofore *provided* for the recovery of any of the foregoing penalties: *Provided* that if such slave at the time of committing such trespass, shall be in the employ or hire of another person, other than his real master or mistress, such person so employing or hiring such slaves, shall be accountable for all tresspasses such slave shall commit whilst so employed or hired, in the same manner that the real master or mistress is made accountable by this act for the trespass of his slave. Masters answerable for trespasses of their slaves.

Sec. 5. *And be it further enacted*, That in all actions founded on this statue, it shall be lawful for the defendant to plead the general issue, and give any special matter in evidence, giving the plantiff notice in writing, at the time he pleads the

general issue of the points of the special matter which he means to give in evidence.

This act shall take effect and be in force from and after the first day of May next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.
JOHN WARD,
President of the Legislative Council.
APPROVED, JANUARY 30th. 1817.
WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to an act concerning divorce and Alimony.

BE *it enacted by the Legislature of the Territory of Missouri*, That where a Marriage hath been heretofore, or shall hereafter be solemnized between any two persons, and it shall be adjudged in the manner herein after mentioned, that either party at the time of the marriage taken place, was and still is naturally impotent or incapable of procreation, or that he or she hath knowingly entered into a second marriage, in violation of the previous vow he or she made to the former wife or husband, whose marriage is still subsisting, or that either party hath committed adultry or wilfully desents and absents him or herself without a reasonable cause for the space of two years, in every such case it shall and may be lawful for the innocent and injured person to obtain a divorce not only from bed and board, but also from the bond of matrimony itself, by making application to a

Causes of divorce.

Application.

Judge of the superior or circuit court, either in term time or in vacation.

Sec. 2. *And be it further enacted*, That it shall be lawful for the superior or circuit court, after hearing any cause commenced before them by virtue of the act to which this is a supplment, to determine the same, as to law and justice shall appertain, by either dismissing the petition or libel, or sentencing and decreeing a divorce and seperation from the bonds of matrimony, or that the marriage is null and void agreeably to the prayer thereof, and said court may award costs to the party in whose behalf the senteuce or decree shall pass, or that each party shall pay his or her own costs, as to them shall appear reasonable and just: *Provided*, that such dissolution shall in no wise affect the legitimacy of the children thereof. Decree of the court.

Sec. 3. *And be it further enacted*, That all acts and parts of acts which are repugnant to the provisions of this act, shall be and the same are hereby repealed. Repeal of former acts.

Sec. 4. This act to take effect and be in force from and after the passage thereof. In force.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

WILLIAM NEELY,
President of the Legislative Council.

APPROVED, JANUARY 29th, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the several laws regulating the militia.

BE *it enacted by the General Assembly of the territory of Missouri*, That

Field officers. hereafter the field officers of each regiment in this territory, shall consist of one colonel commandant, one lieutenant colonel and one major, to be commissioned by the governor, subject to the same restrictions and provisions as are now provided by law, for the appointment of officers,

Sergeants and corporals. and that hereafter all serjeants and corporals, shall be appointed by the captains or commanding officers of companies respectively, and the lieutenant colonel shall

Lt col to act as major. perform all the duties of a major, to the first battalion of the regiment to which he belongs according to law.

Sec. 2. *And be it further enacted*, That

Meeting of the officers for drill. hereafter the commissioned officers, non commissioned staff, non commissioned officers and musicians, of each battalion, shall appear twice in each and every year, at the usual place of holding battalion musters, in their respective battalions, in

In April and October. the months of April and October, the day to be named by the major or commanding officer of the battalion for the purpose of being drilled and instructed in the military duties as the law directs, and the adju-

Adjutants duties tant shall attend and perform the duties required of him by the act reducing into

Or one the several acts regulating the militia,

Drill muster's and if the adjutant does not attend such drill muster, then it shall be the duty of

Or

Senior officers the senior officer present to perform the

duties which are required to be performed by the adjutant and such drill muster shall continue two days successively, and all commissioned officers, non commissioned staff, non commissioned officers and musicians, who shall fail to appear at any drill muster for the purpose of being instructed in the military duties so directed by this act, shall be proceeded against, and fined in the same manner, as is provided by the several acts to which this is a supplement.

Fines for non attendance.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, the sheriffs fees for the collection of fines, shall be ten per centum on the amount of fines collected, *Provided however*, That in all cases when property is executed and sold the sheriff shall have the same fees and commission to be paid by the delinquent as is allowed on executions.

Shffs fees.

Sec. 4. *And be it further enacted*, That there shall be allowed to the members of courts martial the following compensation, viz. To members of general courts martial the sum of two dollars per day, for each and every day they shall be employed in said court, to be paid out of the territorial treasury on the certificate of the judge advocate, countersigned by the commander in chief, brigadier general or officer ordering the same, and the members of a regimental court martial shall be allowed the sum of one dollar and fifty cents per day, for each and every day they may be employed on said court on the certificate of the judge advocate countersigned by the colonel or officer ordering

Allowance to members of courts martial.

Gen'l court.

Battalion court.

the same, to be paid by the county treasurer.

Repeal of former provisions.

Sec. 5. *And be it further enacted*, That so much of any law as requires the commissioned officers, non commissioned staff, non commissioned officers and musicians to appear at the usual place of holding the regimental musters, for the purpose of being instructed in the military duties, and so much of any law and which is repugnant or contrary to the provisions of this act be and the same is hereby repealed.

In force.

This act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 31st, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Entitled an act supplementary to an act to enable the governor to appoint notaries public, and defining their duties.

BE it enacted by the *General Assembly of the territory of Missouri*, That from and after the passage of this act, it shall and may be lawful for the governor of this territory, in addition to the number of notories provided for by the act to which this is a supplement, to ap-

point one or more notaries in each county, which said notaries thus appointed, shall be qualified in the same manner, perform the same duties, receive the same emoluments and be subject to the same regulations and restrictions, as is provided for by the said act. Notaries in each county.

Sec. 2. *And be it further enacted*, That the provisions of an act passed by the governor and judges of the territory of Louisiana, entitled "an Act concerning registered boatmen in this territory, be and the same is hereby extended to notaries public. Extension of a former act.

Sec. 3. *And be it further enacted*, That so much of any law now in force in this territory as is repugnant to the provisions of this act, is hereby repealed. Repeal.

This act to take effect and be in force from and after the passage thereof. In force.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives,

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 30th 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Concerning strays and for other purposes.

BE *it enacted by the General Assembly of the territory of Missouri,* That any person finding any money or goods of the value of five dollars, or taking up any stray whereof the owner is not known, shall within ten days after finding or taking up of the same, give notice thereof to some justice of the peace of the township where the same was found or taken up and if no justice of the peace reside in the said township, then to some justice of the peace of the adjoining township, and it shall be the duty of the justice, to issue his order in writing, to three disinterested householders, if they cannot be had otherwise commanding them to appraise and particularly describe in writing, the value of such goods or the amount of the money so found, and in case a beast shall be taken up, to particularise and describe as near as circumstances will admit the brands, marks, age, colour and stature of said beast, and it shall be the duty of the appraisers, or any two of them, to make out under their hands, two lists of the valuation and description so made one of which they shall deliver to the justice, who shall file the same in his office, and it shall be the duty of the justice of the peace, to deliver a copy of said valuation and description to the person finding or taking up as aforesaid, which shall be by him transmitted to the clerk of the county, within fifteen days after the said valuation and appraisement is made, and if

Money or goods found.

Notice to a justice of the peace.

Appraisement.

Copy sent to clerk of the county.

Clerks duty and fees.

shall be the duty of the clerk to record the same in a book to be by him kept for that purpose, for which he shall receive twenty-five cents. And the other list the appraisers shall deliver to the person finding or taking up the same. And it shall be the duty of the person finding or taking up as aforesaid, to set up at three of the most public places in the township where the goods or money were found or beast taken up a copy of the valuation or description made out by the appraisers as aforesaid, within five days after the date of such valuation and description, which said valuation and description so made as aforesaid, shall be sworn to by the said appraisers.

Finder or taker up to advertise.

Appraisement to be sworn to

Sec. 2. *And be it further enacted*, That if no owner shall appear and prove his property within forty days after setting up the copies of the valuation and description as aforesaid, and the value of the property so found or taken up, shall exceed the sum of twenty dollars, it shall be the duty of the person finding or taking within thirty days thereafter, to transmit to the printer of some news-paper within this territory, a copy of the valuation and description filed with the clerk as aforesaid, certified by the said clerk, which shall be inserted in such paper three weeks successively, for advertising which, the printer shall receive his usual and stated price; and if no owner shall appear and prove his property within two years after such publication, the same shall be vested in the finder or taker up: *Provided always*, That the owner may at any time thereafter by proving his pro-

Publication in newspaper.

Limitations against claims.

perty recover the goods or money so found or beast taken up, or the appraised value thereof, at the option of the taker: *And provided also*, That the fees and expences of taking up and keeping said stray, or property, shall always be paid by the owner of such stray, or property, on his proving the same or the value thereof, to be paid by such owner, or deducted out of the appraised value thereof.

Proviso.

Sec. 3. *And be it further enacted*, That where the valuation of goods or money found, or beast taken up as aforesaid shall not exceed twenty dollars and no owner appears and prove his property within two years from the time of setting up copies of the valuation and description, as pointed out in the first section of the act, the property so found or taken up, shall be vested in the finder or taker up of the same.

Final limitation.

Sec. 4. *And be it further enacted*, That when any owner shall appear within the time limited as aforesaid and claim his property, and the person taking up or finding the same shall neglect or refuse to restore to the person claiming the goods or money found, or beast taken up, the said property, or the appraised value thereof, then in that case the owner or person claiming the same, may apply to a justice of the peace, when the valuation and appraisement shall not exceed ninety dollars, which said justice is hereby empowered to issue process, hear, try and determine the same in the same manner as other civil actions are, which are cognizable before a justice of the peace, saving

Refusal of the taker up to redeliver.

Duty of the justice.

to either party the right of appeal, in the same manner as provided by an act entitled "an act defining the powers and duties of justice of the peace in matters of a civil nature" *Provided*, That the defendant shall not be entitled to a stay of execution.

When cattle cannot be taken up.

Sec. 5. *And be it further enacted*, That no person shall take up and stray any neat cattle, sheep or hogs, between the first day of April and the first day of November following, unless the same be found within the lawful fence or enclosure of the taker up, nor shall any person take up any stray beast, at any other place, than at his plantation or place of residence.

Reward for taking up.

Sec. 6. *And be it further enacted*, That as a reward to the person taking up any stray beast, there shall be paid to him by the owner of such beast, two dollars for all horse kind, and for every head of neat cattle fifty cents, and for every sheep or hog above a year old, twenty cents, and for keeping the same the taker up shall be allowed for keeping such horse, not exceeding the sum of two dollars per month, from the first day of November, till the first day of March, and not exceeding the sum of fifty cents per month for keeping each colt or head of neat cattle, between the times aforesaid—Provided, that nothing herein contained, shall be construed to allow any thing for keeping any unbroken horse or horses taken up within their usual range, and where the parties cannot agree, then a justice of the peace shall estimate how much the taker up shall re-

ceive from the owner, not exceeding the sum aforesaid.

When strays die:

Sec. 7. *Be it further enacted*, That if any stray beast taken up as aforesaid, shall die or get away without the fault, or neglect of the taker up, before the owner shall claim his right, the taker up shall not be answerable for the same.

Neglects of the taker up.

Sec. 8. *Be it further enacted*, That if any person shall take up any stray beast, at any other place, than at his plantation or place of residence, or having taken up any stray, shall fail to comply with the requisitions of this act, or shall use or work any stray beast, contrary to the true intent and meaning of this act, or if such person, shall use or suffer the same to be used, before he shall have given notice to the justice of the peace, except in taking the same to the justice of the peace, to be appraised according to the provisions of the first section of this act, every such person offending, shall forfeit and pay the sum of fifty dollars, to be recovered before any justice of the peace, by an action of debt, founded on this statute to the use and benefit of any person who shall sue for and prosecute the same to effect—

Penalty.

Proviso.

Provided always, that nothing herein contained shall prevent the owner from having and maintaining his action against such person, for the recovery of damages he may sustain, in consequence of said beast being used or worked as aforesaid.

Sec. 9. *Be it further enacted*, That when any person shall notify a justice of the peace, that he has found any goods

or money, or taken up any stray beast as appointed out by this act. It shall be the duty of the justice, before he appoints the appraisers, to administsr to the person finding or taking up the same, the following oath or affirmation, (You swear or affirm, as the case may be, that the beast by you taken up, was found at your plantation or place of residence, and that the marks and brands have not been altered since the taking up of said beast, that the owner, to you is unknown, and that you verily believe that said beast is running at large without the consent of the owner,) and in case of goods or money, the person finding the same, shall make oath that the owner to him is unknown, and that he has not directly or indirectly secreted or disposed of any part of the same, but that the said goods or money are in the same situation he found them.

Misapplication of property found or taken up.

Sec. 10. *Be it further enacted*, That if any person shall trade, sell or take away, or shall attempt to trade, sell or take away out of the county where the finders or taker up reside for the purpose of converting the same to his own use, any goods or money found, or beast taken up within the times specified for the owner to appear and claim his property, every such person offending shall forfeit and pay a sum not exceeding double the appraised value thereof, to be recovered by any person sueing for the same, before any justice of the peace, when the same is within the jurisdiction of a justice, and if not within the jurisdiction of a justice of the peace

Penalty.

before any court having jurisdiction of the same.

Fees & compensation.

Sec. 11. *Be it further enacted*, That the fees of the justice for appointing appraisers, shall be twenty five cents, for a certified copy of the valuation and appraisment, twenty five cents; and each appraiser shall be allowed twenty five cents, and the person taking up any stray beast, and furnishing the same with suitable and necessary food, shall be allowed compensation therefor according to the provisions of the eighth section of this act: *And provided*, That in all cases under this act, the fees of the justice of the peace and appraisers, shall first be paid by the taker up and shall be repaid to him by the owner.

Repeal of former law.

Sec. 12. *Be it further enacted*, That an act entitled an act concerning strays passed by the governor and judges of the territory of Louisiana, the twenty fifth day of October, eighteen hundred and eight, be, and the same is hereby repealed: *Provided however*, That nothing herein contained, shall affect any proceedings had in the above recited act concerning strays, but the same shall be carried into effect in the same manner they would have been, had this act not been passed.

Proviso.

This act shall take effect and be in force from and after the first day of June next.

In force 1st June.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY, 31st. 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

To enable the sheriffs of certain counties in this Territory to secure persons apprehended on civil or criminal procees.

BE it enacted by the *General Assembly of the territory of Missouri*, That it shall and may be lawful for the sheriff of any county in this territory, where there shall happen to be no jail, when the jail of such county shall be insufficient, upon taking into custody any person or persons charged with a criminal, or supposed criminal offence, or on a capias or execution, to commit such person or persons to the common jail of any of the adjoining counties in the circuit where such person or persons was or were apprehended, and is or are to be tried, and it is hereby made the duty of the sheriff or keeper of such jail to receive such person or persons so committed, as aforesaid, and him, her or them safely keep, subject to the order or orders of the circuit judge for the said circuit or of any one of the judges of the superior court for the said territory.

When jail is insufficient.

Sheriff may secure persons in jail of adjacent county.

Notice to circuit judge, or presiding judge of supreme court.

Sec. 2. *And be it further enacted*, That it shall be the duty of the sheriff so committing any person or persons as aforesaid forthwith to notify the circuit judge for the circuit where such person or persons thus committed is or are to be tried, or the presiding judge of the superior court, if the offence be of a capital nature, of the committing of such person or persons to the jail of such adjoining county, and transmit at the same time to such circuit or presiding judge, a copy of the day and cause of the caption and detention of such person or persons thus committed as aforesaid, whereupon it shall be the duty of such circuit or presiding judge within fifteen days next preceding, the first day of the circuit or superior court of the county where such person or persons is or are to be tried, to issue a writ or writs of habeas corpus, directed to the sheriff or keeper of the jail of the county where such person or persons is or are committed, commanding him or them to have the body or bodies of such person or persons thus committed, together with the day and cause of his, her or their caption and detention, before the circuit court of the said county, or if the offence be of a capital nature, before the superior court of the said county, for the trial of such offences on the first day of the then next term of the said court, and it shall be the duty of said sheriff or jail keeper, to bring or cause to be brought the said person or persons thus committed as aforesaid on the day and at the place mentioned in the said writ. Any sheriff or keeper of a jail as aforesaid failing or neglecting to make return

Duty of the judge.

as aforesaid, and to bring the body or bodies of said person or persons, according to the command in the said writ, shall be deemed guilty of a contempt to the said judge or court and be subject to the same punishments and penalties as are provided for by the seventh section of an act regulating the proceedings on writs of habeas corpus, and the sheriffs for committing and executing the said writs of habeas corpus, shall be entitled to the like fees as are provided by law for similar services.

Duty and fees of Sheriff and jailor.

Sec. 3. *And be it further enacted*, That in all cases where a person is committed from another county, for a criminal offence under this act, such county or the prisoner shall pay the expences thereof, unless in capital cases, and in civil cases, the plaintiff or defendant shall pay the costs to be taxed and collected as other costs in such cases

Expences, by whom paid

This act shall take effect and be in force from and after the passage thereof.

In force.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 31st, 1817.

WILLIAM CLARK,
Governor of the Missouri territory

AN ACT

To incorporate the stockholders of the Bank of Missouri.

BE *it enacted by the General Assembly of the territory of Missouri*, That from and after the first day of February, which will be in the year one thousand eight hundred and seventeen, all those persons who on the fourth day of September in the year one thousand eight hundred and sixteen, in St. Louis in the territory of Missouri, subscribed certain articles of association, and formed a company or limited partnership, under the name and style of "the president, directors and company of the Bank of Missouri," and all such persons who on the said first day of February, in the year one thousand eight hundred and seventeen, shall hold any share or shares of the joint stock or funds in the said bank of Missouri, and their successors being stock-holders as aforesaid shall be, and they are hereby incorporated and made a body politic, by the name and style of "the president, directors and company of the bank of Missouri," and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, and any other places whatsoever. And by that name may have and hold, purchase, receive, posses, enjoy and retain lands, tenements, hereditaments, goods, chattels and effects of what nature, kind or quality soever, and the same sell, grant, demise, alien, convey and dispose of, and by that name shall have during the continuance of that act succes-

Incorporation and style.

Powers.

sion; and may have and use a common seal, and the same may break, alter and renew at pleasure, and shall have power to ordain, establish and put in execution, such bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation not being contrary to law, nor to this incorporation, and generally to do and execute all acts necessary or proper for the object of the said incorporation, subject to the rules, regulations, restrictions, limitations and provisions hereinafter described and declared.

Capital stock.

Sec. 2. *And be it further enacted*, That the capital stock of the said bank shall be and consist of two hundred and fifty thousand dollars, in shares of one hundred dollars each, exclusive of such shares as may hereafter be subscribed on the part of the territory of Missouri: *Provided always*, That on the application of the president and directors of said bank the then existing legislature may always extend and increase the amount of stock, capital estate and property which said corporation may hold.

Proviso.

Payments of subscriptions.

Sec. 3. *And be it further enacted*, That all such persons who shall after the passage of this act, and before the first day of February in the year one thousand, eight hundred and seventeen, become subscribers for one or more shares of the capital stock of the said bank, shall at the time of subscribing for one or more shares of the capital stock in the said bank shall at the time of subscribing pay to the president and directors of the said bank, the sum of five dollars, on each and every share by them subscribed, which, as also the sum of five

dollars which has been paid on each share now subscribed, according to the articles of association aforesaid, shall be forfeited to the use of said bank, unless twenty dollars on each share in addition thereto is paid on the said first day of February in the year one thousand eight hundred and seventeen, to the said president and directors, which said sum of twenty five dollars above specified, shall be the first instalment; And that the president and directors of said bank from and after the first day of February in the year one thousand eight hundred and seventeen may call for and demand from the stock-holders respectively, all such sums of money by them subscribed, or which may be subscribed, and in such proportion not exceeding the sum of twenty five dollars on each share as they shall see fit. And the said stock-holders shall pay the same, under pain of forfeiting to the use of said bank all such share or shares and of all previous payments thereon, upon which the same is not paid: *Provided however*, That it shall be the duty of the said president and directors to give at least ninety days notice of such call or demand in one of the news papers printed in the territory of Missouri.

Transaction of business

Sec. 4. *And be it further enacted*, That the said bank shall transact its business in the town of St. Louis, and the stock, property, affairs and concerns of said bank, shall be managed and conducted by nine directors, one of whom shall be president, who shall hold their offices for one year, four of the directors and the president shall form a board or quorum for

transacting business; and in case of sickness or necessary absence of the president, his place may be supplied by any director, whom, he by writing under his hand may nominate for that purpose, or in case of his not making such nomination, the board may appoint a president to act during his absence. And that the president and directors who may be in office under the said articles of association on the first day of February, one thousand eight hundred and seventeen, shall continue in office under and by virtue of this act of incorporation, until others shall be duly chosen in their stead. No person shall be a director or a president of said bank, who is not a citizen of the United States and of this territory and a stock-holder, and a director ceasing to be a stock-holder, shall cease to be a director. All the directors to be elected shall be resident of the territory, every stock-holder being a citizen of the United States shall be entitled to vote at all elections to be holden by the stock-holders in pursuance of the act of incorporation, and shall have as many votes in proportion to the stock which he may hold, as follows, for one share and not exceeding four shares, one vote each; for every two shares above four and not exceeding twenty, one vote; for every four shares above twenty and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote; but no person or persons, bodies corporate or otherwise shall be entitled to more than fifty votes: But no stock-holder shall be permitted to vote who has not held his stock

Directors how elected.

two calendar months prior to the day of election. All stock-holders living in the county of St. Louis shall vote in the choice of directors by ballot, in person; but every stock-holder living out of said county may vote in person, by ballot or by a written ballot by him or her subscribed, with his or her name and duly acknowledged before a judge of the court, a justice of the peace or a notary public, before whom such acknowledgment shall be made; and said ballot shall by him be sealed up and addressed to the cashier of the said bank, and transmitted before the time of election, shall be received and counted in the election. No person who is not a citizen of the United States, shall be entitled to a vote in any election of the said corporation.

General meeting of stock holders for electing directors.

Sec. 5. *And be it further enacted*, That a general meeting of the stockholders in the said bank shall be holden on the first monday of May, in the year one thousand eight hundred and seventeen. And the first monday of May in every year thereafter, at such place in the town of St. Louis, as the president and directors shall direct and appoint, by giving eight weeks notice in one or more of the newspapers printed in this territory, for the purpose of electing directors for the ensuing year, who when elected, shall meet within twenty days succeeding their election, and shall immediately thereafter proceed to choose a president. And the president and directors for the time being shall continue in their places, and be organized by the assembling of a quorum; and

the choice of a president at all elections the person having the greatest number of votes shall be deemed to be chosen. All elections shall be held under the superindance of the president for the time being, and four stockholders, not being at the time directors, to be appointed by the directors, any three of whom shall be judges thereof. And they shall immediately thereafter notify the elected to meet within twenty days next ensuing the day, at the bank, and shall make a return of the persons elected at their first meeting. Should two or more persons have an equal number of votes, the other individuals elected directors shall determine by ballot from among said persons who shall be the director or directors. All elections shall be opened at ten o'clock in the forenoon and closed at three o'clock in the afternoon of the same day.

Bye laws.

Sec. 6. *And be it further enacted*, That the president and directors shall have full power and authority to make, revise, alter and annul all such rules, orders, bye laws and regulations for the government of said corporation, and that of its officers servants and affairs, as they shall from time to time think expedient, and to use employ and dispose of the capital stock, funds and property of the said company for the interest and benefit of the stockholders subject only to the restrictions herein contained. But the said company shall not take for discounting any bill or note, more than at the rate of six per centum per annum on the amount due on such bill or note.

rate per cent on discounts.

Notes, bills &c. how iffued negociable, obligatory &c

Sec. 7. *And be it further enacted,* That all promisory notes, bills of exchange, drafts, checks and receipts for the the payment of money made on the behalf of the said corporation, signed by the president, countersigned or attested by the cashier, shall be obligatory upon the said company, and shall possess the like qualities as to negociability, and the holders thereof shall have the like action thereupon as if such promissory notes, bills of exchange, drafts, checks, or receipts had been made by or on behalf of a natural person.

Books papers &c. fubject to inſpection of the directors.

Sec. 8. *And be it further enacted,* That the books, papers, correspondence and funds of the said company, shall at all times be subject to the inspection of the directors. And no director shall be entitled to loan at any time more than three thousand dollars from said bank either in his own name or the name of any other person :

Caſhier and other officers.

No compen'n to directors.

Report to legiſlature.

Sec. 9. *And be it further enacted,* That the president and directors aforesaid, shall have power to appoint a cashier and all other officers and servants for executing the business of the said company respectively, but no compensation shall be given to a director for his services. And the said president and directors shall on the first day of each session of the legislature of this territory, lay before said legislature, an account, stating the situation of the bank and its funds, which said account, shall be sworn to by said president and directors, and by the cashier of the said bank. And if it shall appear to the

said general assembly, that the regulation, restrictions or provisions of this act have not been complied with to the prejudice of any person or persons, it may be lawful for the said general assembly to repeal, amend, annul and make void, by an act to that effect, this act of incorporation, any law, usage or custom to the contrary notwithstanding. And if the said president and directors shall neglect or refuse to make such statement according to the provisions of this act, the then existing legislature shall have power to repeal or make void this charter, any thing in this act to the contrary notwithstanding.

Transfer of stock.

Sec. 10. *And be it further enacted*, That the shares of capital stock at any time owned by any invidual stock-holder, shall be transferable only on the books at the bank, according to such rules as may, conformably to law, be established in that behalf by the president and directors: But all debts actually due and payable to the company, days of grace for payment being past by a stockholder requesting a transfer must be satisfied before such transfer shall be made; unless the president and directors shall direct to the contrary.

Dividend of profits.

Sec. 11. *And be it further enacted*, That the dividend of the profits of the company or so much of said property as may be deemed expedient and proper shall be declared half yearly, in the first week of April and October in each year, the amount of said dividend shall, from time to time be determined by the president

and directors, and shall, in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock of the said company shall never be impaired by dividends.

Discount and loans not more than double the amount of capital.

Sec. 12. *And be it further enacted*, That the said company shall not at any time discount or loan a greater sum than double the amount of the capital stock thereof, which shall be actually paid in. No standing or unlimited accommodation shall be granted to or by the president and directors of said company.

Dividends impairing capital stock.

Sec. 13. *And be it further enacted*, That if the said president and directors shall at any time willfully and knowingly make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring of said dividend and consenting thereto shall be liable in their individual capacities to the company for the amount or proportion of said capital stock, so divided by the said directors, and each director who shall be present at the making or declaring such dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing his dissent on the minutes of the proceedings of the board, and within twenty days thereafter, give notice thereof in some one of the newspapers printed in this territory.

Property and trade of the company.

Sec. 14. *And be it further enacted*, That the company shall in no case be owners of any ship or vessel, directly or indirectly be concerned in trade of the importation or exportation, purchase or sale of any goods, wares or merchandise whatever,

except bills of exchange, bullion, stock of the United States or of incorporated institutions, and such ships, vessels, goods, wares or merchandizes as shall be truly pledged to them, by way of security for debts due, owing or growing due to the said company, or purchased by it to secure such debts, the said company shall not purchase or hold any lands, tenements or other real estate, other than what may be necessary for the convenient transaction of its business, unless such lands, tenements and real estate shall have been *bona fide* mortgaged to the company by way of security or conveyed to it in satisfaction of debts previously contracted in the course of dealings or purchased to secure debts contracted with or due to the company, and in every instance in which the company may become the owners or claimants of lands, tenements or real estate, the president or directors are empowered to sell or dispose of the same in such manner as they shall deem beneficial for the said company.

Vacancies in the direction.

Sec. 15. *And be it further enacted*, That if any vacancy shall at any time happen among the directors, by death, resignation or otherwise, the rest of the directors for the time being shall elect a director to fill the vacancy.

General meetings.

Sec. 16. *And be it further enacted*, That any number of stock holders who shall be proprietors of not less than five hundred shares, may for any purpose relative to the institution, at any time apply to the president and directors to call a general meeting of the stock holders, and if by them refused, the said number of stock-holders, proprietors of not less than five

bundred shares as aforesaid, shall have power to call a general meeting of the stock-holders, giving at least sixty days notice in one or more of the public newspapers printed in this territory specifying in such notice the object or objects of such call.

How called.

Sec. 17. *And be it further enacted*, That the total amount of debts which the said company shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of capital stock actually paid in: *Provided*, That nothing herein contained shall be construed to prevent the said company from receiving money on deposit, and owing therefor the just amount of the money actually deposited in said bank for safe keeping, in addition to the other debts said corporation may owe. And in case of excess the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action or actions may in such cases be brought against them or any of them, they or any of their heirs, executors or administrators, in any court proper to try the same, by any creditor or creditors of said company; and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding, but this shall not be construed to exempt said company, or the lands, tenements, goods or chattels of the same from being liable for and chargeable with the said excess, such of said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolu-

Account of debts of the company.

tion or act, whereby the same was contracted or created, may respectively exonerate themselves from being liable, by forthwith giving notice of the fact, and of their absence or dissent, in some one of the news papers printed in this territory and to the stock-holders, at a general meeting which they shall have power to call for that purpose, and the company and the capital stock thereof, shall be liable for all the debts and engagements contracted. And the body corporate hereby created, and the capital stock thereof shall be liable for all the debts and engagements contracted, or which before or on the first day of February, in the year one thousand eight hundred and seventeen, shall or may be contracted by the company or copartnership heretofore created by the articles of association herein before mentioned, and which carried on the banking business, under the name and style of "the president directors and company of the Bank of Missouri," and the creditors of the said copartnership shall have the like remedy by action against the said body corporate as they had or have or may or can have against the said copartnership.

Liability in case of excess.

Sec. 18. *And be it further enacted*, That in case it shall happen at any time that an election of directors should not be made on any day pursuant to this act of incorporation it ought to have been made, the said company shall not for that cause be deemed to be dissolved but it shall be lawful on any other day to hold and make an election of directors, at a meeting to be called in such manner as shall be prescri-

Failure of election.

bed by the laws and ordinances of the said company not inconsistent with or contrary to the provisions of this act.

Place of transacting business.

Sec. 19. *And be it further enacted*, That the said company shall be established and kept, and the buildings necessary for the accommodation thereof erected and the business thereof at all times hereafter transacted at such place or places in the town of St. Louis, as the president and directors of said company shall designate, and point out, which said location or locations when so made shall be unalterable. And until the buildings necessary for the accommodation of said company shall be erected and so far completed as to admit the transaction of business therein, or in case of an accident by fire or otherwise, happen to the building, that may hereafter be erected, for the use of the said company, shall be established and kept, and the business thereof conducted, at such times and places in the town of St. Louis, as the president and directors thereof shall designate and appoint. And whenever the inhabitants of any county now established, or which may hereafter be established by law in this territory, shall have subscribed for stock in the said bank to the amount of forty thousand dollars, and paid their proportion on that sum into the bank, a branch bank shall within six months thereafter be established in such county for the purpose of discount and deposit only, and upon the same terms and in the same manner as practised at the bank, and to commit the management of the said officers and the mak-

Branches.

ing of the said discounts to such persons under such agreements and subject to such regulations as they shall deem proper, not being contrary to law, or to the constitution of said bank. And in each office of discount and deposit, there shall be vested by the president and directors double the amount of the stock paid in by the stock holders of the county where such bank of discount and deposit, shall be established, *Provided always*, that a majority of the stockholders of said county shall previously by writing request the establishment of such office of discount and deposit, and that the same shall be had six months before the time on which it shall be requested to establish such office of discount and deposit.

President and Cashier.

Sec. 20. *And be it further enacted*, That a majority of the whole number of directors shall be necessary in the choice of a president or a cashier.

Bonds of Cashier and Clerk.

Sec. 21. *And be it further enacted*, That every cashier or clerk, before he enters on the discharge of the duties of his office, shall give bond with, two or more securities, to the satisfaction of the president and directors, such cashier in a sum not less than ten thousand dollars, and each clerk in a sum not less than six thousand dollars, conditioned for the faithful discharge of his duty, and it shall not be lawful for any person being a stock-holder in the said bank or any other bank to be elected or appointed as a cashier or clerk in said bank.

Every Stock holder a mem

Sec. 22. *And be it further enacted*, That every stock holder, whether he be either

ber of the corporation.

by original subscription or by transfer, shall be considered as a member of this corporation, and when he ceases to be a stock-holder, he ceases to be a member.

Territory may subscribe for stock and vote by agent

Sec. 23. *And be it further enacted*, That it shall and may be lawful for the governor of the territory, for the time being upon the joint resolution of the legislative council, and house of representative of this territory, requesting him to that effect, at any time within ten years from and after the first day of February, in the year one thousand eight hundred and seventeen, to subscribe for and in the name of the territory of Missouri, any part of the whole of one thousand shares, for the use of said territory. Any person authorised by a joint resolution of the legislative council and house of representatives, for that purpose, shall have as many votes in the election of directors and in managing the affairs of said bank as the number of shares actually subscribed for on the part of the said territory, would give to any stock holder possessing the same conformably to the provisions of this act of incorporation.

Monies in payment therefor.

Sec. 24. *And be it further enacted*, That the governor for the time being shall have power to draw from the territorial treasury the sums of money necessary to pay the amount of the shares subscribed for, on the part of the territory of Missouri, that may hereafter be appropriated for that purpose.

Loans to the territory.

Sec. 25. *And be it further enacted*, That it shall be the duty of the said bank to loan to the territory of Missouri when re-

quired by the governor of the territory for the time being, upon the joint resolution of the legislative council and house of representatives of this territory, requesting him to that effect, without endorser, any sum of money not exceeding the amount of half the shares actually paid in on the part of the said territory for a period not exceeding one year: *Provided*, That ninety days notice of the intended application for said loan be given to the president and directors of said bank.

Books of subscription.

Sec. 26. *And be it further enacted*, That it may be lawful for the president and directors of said bank to open a book or books of subscription for unsubscribed stock in said bank, as often and at such places in the territory of Missouri as they shall deem fit so as to give a fair opportunity to any citizen or citizens of said tertory to become subscribers for stock in said bank, giving at least sixty days notice of the opening of said book or books in some news paper printed in said territory, and if during the time for which the said book or books are opened for the last time the whole amount of stock shall not be subscribed, then the remaining part thereof not subscribed for, may be sold by the president and directors of the said bank for the time being to the best advantage for the use of said bank: *Provided*, That no sale of stock shall be made under par: *And provided*, That not more than one fourth of the capital stock in said bank shall be subscribed by, for or sold to persons residing out of this or Illinois territory.

Sec. 27. *And be it further enacted*, That

Specie payments.

that from and after the passage of this act, the said bank of Missouri hereby incorporated, shall pay specie upon all bills and notes which may have been or which may hereafter be drawn and payable by the said bank of Missouri, or by the president and directors and cashier thereof, if thereunto required by the person or persons who may be the holder of such bill, note or notes, under the penalty of forfeiting at the rate of five per centum per month, for each and every month such specie payment may be refused, in addition to the amount of such bill, note or notes, to be recovered in a summary way by motion before any justice of the peace, or court having jurisdiction thereof in the name or for the use of any person or persons who were the owners of said bill or note or notes, at the time they were presented for payment.

Penalty for defaults.

Process against corporation.

Sec. 28. *And be it further enacted*, That in all suits and actions, prosecuted against the said corporation, it shall be a sufficient service of all writs, notices or judicial process, to serve the same upon the president or any of the directors for the time being.

Embezzlement.

Sec. 29. *And be it further enacted*, That if any president, director, officer or other person holding any share or capital of the said bank stock, shall commit any fraud or embezzlement touching the money or property of the said bank, he or they shall be liable to be prosecuted in the name of the United States by indictment, and upon conviction thereof shall, besides the remedy that may be had by action in the name of the president and directors of

said bank of Missouri, for the fraud and embezzlement aforesaid, forfeit to the said company all his shares and stock in said bank.

Continuance of charter till 1838.

Sec. 30. *And be it further enacted*, That this corporation shall continue until the first day of February, which will be in the year one thousand eight hundred and thirty eight, but nevertheless the proprietors of two thirds of the capital stock of the company may by their concuring votes at a general meeting, to be called for that purpose, dissolve the same at an earlier period; provided that notice of such meeting and its object shall be published in one or more newspapers printed in the territory of Missouri, for at least six months successively previous to the time of such meeting.

Dissolution & settlement of accounts.

Sec. 31. *And be it further enacted*, That on the dissolution of this corporation whenever the same shall be determined on as aforesaid, effectual measures shall be immediately taken by the president and directors then in office for closing all the concerns of the corporation, and for dividing the capital and profits which may remain, among the stock-holders in proportion to their respective interests.

Right of legislature to tax.

Sec. 32. *And be it further enacted*, That nothing in this act contained shall be construed to deprive the Legislature of the power and right to impose taxes on the stock of said bank or the dividends thereof, which tax imposed by the Legislature shall be appropriated for the use of a free school or schools, in such manner as

a future Legislature may order and direct: *Provided*, that such tax shall not be more than equal to other taxes, imposed by law on personal property.

Non acceptance of charter.

Sec. 33. *And be it further enacted*, That should the said company hereby incorporated under the style of the President and Directors of the Bank of Missouri fail, neglect or refuse to receive or act under this act of incorporation, within six months after it becomes a law, then and in that case the act of incorporation shall be forfeited and become void and of no effect, from and after the expiration of the said six months.

Nature and continuance of this act.

Sec. 34. *And be it further enacted*, That this act shall to all intents and purposes be deemed and held a public act, and be and continue in force, until the said first day of February, will be in the year one thousand, eight hundred and thirty eight, and from and after the passage thereof.

(Signed)

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

BENJAMIN EMMONS,
BENJAMIN COOPER,
JOSEPH HUNTER,
JOSEPH BOGY.
} *Members of the Legislative council.*

I the undersigned of the legislative council, do certify that the foregoing bill passed the legislative council, by a majority of the whole of the members—Messrs Ward, Perry and Cummins, voting against the passage thereof, (and no other)

and the same has been reported as truly enrolled.

(Signed,) J. V. GARNIER,

Secretary Legislative Council.

We the undersigned members of the joint committee of enrolments of the legislative council, and house of Representatives of Missouri Territory, do certify that the bill entitled "An act to incorporate the stock-holders of the Bank of Missouri, is duly enrolled. Signed Joseph Hunter, Nath. Cook, James Mackay.

APPROVED, JANUARY, 31st. 1817.

WILLIAM CLARK,

Governor of the Missouri territory.

Office of secretary of the territory of Missouri, St. Louis, Feb. 28, 1817.

Truly copied from the originals on file
FREDERICK BATES, Secy.

AN ACT

Concerning Bills of Exchange.

BE *it enacted by the General Assembly of the territory of Missouri*, That when any foreign bill of Exchange, which may be drawn for any sum of money expressing that the value has been received, shall be protested for non acceptance or non payment, the drawer or endorsers therefore shall pay said bill with legal interest from the time of non acceptance

Foreign bills.

Protest.

Damages.

until paid and twenty per centum damages in addition, together with the costs and charges of protest.

Drawer and endorser liable.

Sec. 2. *And be it further enacted*, That any person having a right to demand any sum of money on any protested foreign bill of exchange, may prosecute an action of debt for the principal, damages aforesaid, interest and charges of protest against the drawer and endorsers jointly, or against either of them separately.

Out of territory but in U. S.

Protest.

Damages.

Sec. 3. *And be it further enacted*, That if any person shall draw or endorse a bill of exchange upon any person out of this territory, but within the United States, and the same be returned unpaid with a legal protest, the drawer and endorsers thereof, and all concerned shall pay the said bill with legal interest from the time of non acceptance, together with costs and charges of protest, and ten per centum damages on the amount of such bill.

Other bills.

Sec. 4. *And be it further enacted*, That if any bill of exchange dated at any place in this territory, and drawn on any person at any other place therein expressed to be for value received, and payable on a certain day, or at a certain number of days, weeks, or months after sight, or after date, shall not on being presented to the person on whom it may be drawn be accepted in writng, or being accepted in that manner, shall not be paid before the expiration of three days after it shall become due, the person to whom it is payable, or his agent, or assigns, may cause the same to be protested by a notary pub-

lic, or if there be no such notary public by a justice of the peace, or any person in presence of two or more creditable witnesses for non acceptance, or new payment, and the drawer, or endorser such protest being sent to him, or notice thereof in writing being given to him, or left at his usual abode, shall within twenty days after receiving such notice, pay the money mentioned therein, and the legal interest thereon, from the date of the protest, an cost of protest, and in default thereof, he shall pay in addition thereto, four percentum damages on the amount of said bill.

Sec. 5. *And be it further enacted*, That this act shall take effect and be in force from and after the first day of May next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, JANUARY 31st, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the act to prevent forcible entry and detainer.

BE it enacted by the *General Assembly of the territory of Missouri*, That when any entry shall be made into or upon any lands tenements or other possessions, or any lawful entry made, unlaw-

Forcible entry or holder over.

Extent of the lawful possesion.

fully continuing over the term against the act to which this is a supplement, the person or persons having the lawful possession thereof, shall against the wrong doer or trespasser, be considered as entitled to such quantity, and to such extent and limits of land as by the patent, grant, concession, survey, donation, settlement or preemption right, such person or those under whom he claims can by the laws of the United States, have and lawfully claim in and to such premises, and in case no legal survey hath been made of such possessions the improvement of such persen entitled to the possession, shall be in the middle of the tract or as near as may be, making the survey as nearly in a square as the same may be, not to interfere with any established surveys, or line, or any conditional lines agreed upon by the ajoining proprietors, or possessors.

Sec. 2. This act to take effect, and be in force from and after the first day of March next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives,

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the laws of this territory establishing recorders offices.

BE *it enacted by the General Assembly of the territory of Missouri*, That from and after the taking effect of this act, in all cases where any persons shall purchase any real estate, within this territory, from any person having the equitable but not the legal title thereof, and which purchase shall be attested by a deed in the form of a deed of conveyance, or by a bond to make a title to the real estate so sold or by any other instrument in writing, signed by the party to be charged therewith, or by any other person duly authorised to sign the same for him, it shall and may be lawful for the person so purchasing after proving the execution thereof to exhibit the said deed, bond, or instrument in writing to be recorded in the recorders office in the same county wherein the said real estate is situated where it shall be received and recorded in the same manner and upon the same conditions as are provided by law for the recording of mesne conveyances and any such deed, bond or instrument in writing so recorded, shall import from the day of recording the same full and perfect notice to all persons of the sale of the land therein mentioned, and all subsequent purchasers of the same land shall be deemed and held in law and equity to be purchasers with notice of the prior sale and shall gain no right to the prejudice of the first purchaser.

Transfers and covenants as to equitable titles.

Sec. 2. *And be it further enacted*, That

Deeds &c. to be recorded within 3 months.

all deeds conveyances, bonds and other obligations for lands, tenements or hereditaments hereafter made and proven or acknowledged before any competent authority shall be recorded in the county in which such lands tenements or hereditaments are situate within three months from the date thereof, or the same shall be void against subsequent purchasers, so recording the said deeds, conveyances, bonds, or other obligations within the time prescribed by this section.

Proven or acknowleged before a justice of the peace.

Sec. 3. *And be it further enacted*, That all deeds, conveyances, bonds and obligations for the conveyance of lands, tenements or hereditaments, lying and being situated in this territory, and the right of dower thereto, and therein may be proven and acknowledged before any justice of the peace in this territory in the same manner and under the same restrictions as are now provided by law.

Repeal.

Sec. 4. *And be it further enacted*, That so much of any law of this territory as is contrary to or repugnant to the provisions of this act shall be and the same are hereby repealed.

In force 1st. April.

This act shall be in force and take effect from and after the first day of April next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.
APPROVED, 1ST, FEBRUARY 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

For the relief of James Campbell, Sheriff of the county of Lawrence.

It appearing to the General Assembly, that James Campbell should be released from a fine of twenty per centum on the territorial tax for the county of Lawrence, for the year one thousand eight hundred and sixteen, therefore Preamble.

BE it enacted by the General Assembly of the territory of Missouri, That the fine of twenty per centum on all territorial taxes, levied in the county of Lawrence, for the year one thousand eight hundred and sixteen be and the same is hereby remitted, and the said James Campbell from the payment of the same is hereby exempt and released— Remission.

Provided, that the said James Campbell, shall within two months after the taking effect of this act, pay or cause to be paid into the territorial treasury, the sum of seventy two dollars and fifty cents, being the balance still due by said sheriff, to the territory for taxes by him collected. Proviso.

This act shall have effect and be in force from and after the passage thereof. In force.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

P

AN ACT

Supplementary to the acts for the punishment of certain crimes.

Robbery with force.

Punishment.

Robbery with violence.

Punishment.

Murder.

BE *it enacted by the General Assembly of the Territory of Missouri*, That if any person or persons shall feloniously and forcibly take any money, goods, or chattels, or effects from the person of another in the field or high way, or any other place, he she or they so offending shall be deemed guilty of robbery and upon conviction shall suffer as in the second instance of burglary. Whosoever shall commit such robbery with personal abuse, or violence, or be armed at the time with any dangerous weapon so as clearly to indicate an intention of violence, he, she, or they so offending upon conviction, thereof shall suffer as in the third instance of burglary. And if the death of an innocent person should ensue from such robbery, the perpetrator or perpetrators, and the accessaries before the fact shall be deemed guilty of murder.

Maiming.

Sec. 2. *And be it further enacted*, That if any person or persons within this territory on purpose and of malice aforethought shall unlawfully cut or bite off the ear or ears or cut out, or disable the tongue, put out an eye or slit, cut, or bite off the nose or lip, or shall in any wise injure either of the members aforementioned with intent to maim or disfigure such person, or shall cut, bite or disable any limb, or member of any person, or shall shoot at or stab, with any weapon with intent to kill, maim, or

injure such person in any member before mentioned; then and in every such case, the person or persons so offending, their counsellors, aiders or abettors, knowing of and privy to the offence aforesaid, shall on conviction be imprisoned not exceeding seven years, and fined not exceeding three thousand dollars. Punishment.

Sec. 3. *And be it further enacted*, That in all cases in which the party from whom property is stolen, and who is by law entitled to the whole or a part of the fine or penalty imposed, or to restitution, shall be a witness on the trial of such indictment; the whole of such fine or penalty shall go to the territory so that the party injured shall receive no benefit from such conviction, provided always that the party injured may have his remedy by action at law against such offender for such property, or for the injury sustained, any law to the contrary notwithstanding. Witnesses on prosecutions for theft. Penalties and fines,

Sec. 4. *And be it further enacted*, That the twelth and thirteenth sections of the law of this territory, entitled "an act for the punishment of certain crimes," and so much of any law of this territory as is inconsistent with the provisions of this act, shall be, and the same are hereby repealed, *Provided*, that all offences committed before the passage of this act, shall be tried and punished as though this act had not passed. Repeal of former provisions.

Sec. 5. *And be it further enacted*, That

In force 1st. of May.

this act shall take effect and be in force from and after the first day of May next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1ST. FEBRUARY 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the several laws defining the powers and duties of the justices of the peace, in matters of a civil nature.

BE it enacted by the *General Assembly of the territory of Missouri*, That

Jurors and witnesses before justices of the peace.

Fees.

every person who shall hereafter be summoned as a witness or a juror before a justice of a peace shall in addition to the usual fees be entitled to three cents per mile in going to the place of trial and three cents per mile in returning from the place of trial by the nearest and most practicable rout provided such witness or juror attends at the place of trial in due time and such mileage shall be taxed like other costs.

Appeal and certiorari.

Notice.

Sec. 2. *And be it further enacted*, That in all cases of appeals not prayed for on the same days the trial is had and on certiorari the party appealing or obtaining a writ of certiorari shall notify the opposite party at least ten days before the sitting of the next court authorised to try the same and when application shall be made

to the clerk of any court for a writ of certiorari the party applying shall give bond and security in at least double the mount of such judgment and costs and in default thereof execution shall issue as in other cases. Bond.

Sec. 3. *And be it further enacted*, That any person or persons who shall become special bail for any defendant or defendants or for any person or persons against whom judgment has been rendered so as to entitle such person or persons to a stay of execution such bail shall before such justice of the peace acknowledge himself jointly bound with such principal in the full amount of such judgment and costs and the justice of the peace shall make an entry of such acknowledgment on his docket and at the expiration of the time limited for the stay of execution the justice shall issue execution against both principal and bail, and if the principal shall not satisfy such execution and the constable cannot find property to satisfy the same and if the said bail does not shew the constable property of the principal sufficient whereon to levy and satisfy said execution with costs or deliver the body of said defendant to the constable within ten days after he or they are informed that the execution has issued it shall be his duty to levy on the goods and chattels of the said bail and make return thereon as in other cases stating particularly the sum collected of the bail which statement made by the constable shall be sufficient evidence for the bail in an action against the principal to recover the same with in- Special bail.

How accountable.

terest and costs on motion before a justice of the peace.

Exclusive original jurisdiction of a justice of peace.

Sec. 4. *And be it further enacted*, That hereafter it shall not be lawful for the plaintiff to institute his suit in the circuit court for any sum within the jurisdiction of a justice of the peace.

Repeal.

Sec. 5. *And be it further enacted*, That so much of the twenty fourth section of the act defining the powers and duties of justices of the peace in matters of a civil nature, and all other acts and parts of acts as are repugnant to or inconsistant with the provisions of this act, are hereby repealed.

In force 1st. May.

This act shall take effect and be in force from and after the first day of May next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN AC

Making appropriations for the year eighteen hundred and seventeen & a part of the year eighteen hundred and sixteen.

BE it enacted by the General Assembly of the territory of Missouri, That the following appropriations are hereby made and shall be paid out of the territorial treasury upon the warrant of the

territorial auditor of public accounts, to discharge the debt and demands due from, and the expenditures of said territory for the year one thousand eight hundred and seventeen and a part of the year one thousand eight hundred and sixteen. To the members of the Legislative council and house of Representatives and their officers, a sum not exceeding eight thousand dollars. To Madam Susannah Dubruil for two rooms rented to the present General Assembly the sum of one hundred and eighty six dollars. To Riddick and Pilcher for stationary furnished the present General Assembly, the sum of eighty nine dollars thirty seven and a half cents. To William Christy territorial auditor for publishing the auditors annual report in the Missouri Gazette, for the year one thousand eight hundred and sixteen, twenty three dollars thirty three and one third cents—also the sum of five dollars for stationary furnished the territory.—To William Sullivan for fire wood furnished the legislative council and house of representatives for the present session the sum of two hundred and twelve dollars, eighty seven and one half cents. To William Sullivan for copying the journals of the house of representatives, fifty dollars. For hauling the public furniture and other articles from the court house for the use of the Legislature, the sum of five dollars. To Joseph Charless for printing, the sum of forty one dollars and sixty two and one half cents.

Members of legislative council of house rep's. Officers gen. assembly.

M. Dubreil.

Riddick and Pilcher.

Wm. Christy.

Wm. Sullivan.

Jos. Charless.

Sec. 2. *And be it further enacted*, That the sum of four thousand and eight hundred dollars is hereby appropriated for

Circuit judges.

the payment of the annual salary of the circuit judges of the territory for the year one thousand eight hundred and seventeen and one thousand eight hundred and eighteen.

For printing laws.

Sec. 3. *And be it further enacted*, That a sum not exceeding four hundred dollars be appropriated for defraying the expenses of of printing the laws passed at this session of the present general assembly.

Distributing laws.

Sec. 4. *And be it further enacted*, That a sum not exceeding two hundred dollars is hereby appropriated for defraying the expenses of distributing the laws of the present session and it is hereby made the

Duty of governor.

duty of the Governor of this territory to cause to be distributed the laws passed by the present general assembly as soon as they shall be printed, and he is hereby authorised to draw his order in favour of such person or persons employed by him for that purpose, on the territorial auditor, who on the receipt of such order shall draw his warrant on the territorial treasury for the amount of such sum or sums as are specified in the Governors order—and the territorial auditor is hereby authorised to draw his warrant on the territorial treasury for the amount of all monies for which appropriations have been made by this act.

This act to take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.
JOHN WARD,
President of the Legislative Council.
APPROVED, 1st FEBRUARY, 1817.
WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Concerning the commissioners of public buildings in the county of Lawrence.

BE *it enacted by the General Assembly of the territary of Missouri,* That the commissioners appointed to superintend the erection of public buildings in the county of Lawrence be and they are hereby authorised to draw from the treasury of said county a sufficient sum or sums of money not otherwise appropriated to defray the expenses of building a jail lately erected in said county.

Dft. on county treasury.

Sec. 2. *Be it further enacted,* That this act shall take effect and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the several acts, providing for the levying and collecting territorial and county taxes.

BE *it enacted by the General Assembly of the territory of Missouri.* That it shall and it is hereby made the duty of the territorial auditor monthly to furnish the territorial treasurer an abstract,

Territorial auditor to supply treasurer with list of warrants.

or list of all the warrants, issued or drawn by him on the territorial treasurer which lists shall specify the respective amount of such warrants, the number, and in whose favour drawn. And the territorial auditor shall and is hereby entitled to receive in addition to the annual salary allowed him by law the sum of five cents for each and every warrant contained in such abstract or list as aforesaid.

Fees.

This act to take effect and be in force from and after the first day of March next.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Amendatory to the acts concerning publick roads and highways.

BE *it enacted by the General Assembly of the territory of Missouri*, That all able bodied free white males between the age of sixteen and forty five years and residents for ninety days within any county in this territory, and all able bodied male slaves of the same age and residence shall be subject to work on the public roads and highways in such county.

Who to work.

Sec. 2. *And be it further enacted*, That

each justice of the peace who shall be appointed to perform the duties which are required of them by the provisions of the act to which this act is an amendment shall be entitled to and receive one dollar for each and every day they may be employed in the discharge of the aforesaid duties to be paid out of any money in the county treasury not otherwise appropriated, to be allowed by the circuit court of the county in which such services may have been rendered. And if any justice of the peace who may be appointed to perform the duties aforesaid shall or neglect to perform said duties such justice shall forfeit and pay a sum not exceeding fifty dollars to be recovered on presentment by the grand jury in the circuit court of the proper county.

Fees of the justice.

Penalty for the justices neglect.

Sec. 3. *And be it further enacted*, That every and each commissioner appointed to view the said public roads shall receive one dollar per day for every and each day he shall be employed in viewing such road or roads as full compensation for their services to be allowed by the circuit court of the county in which services may have been rendered and paid out of any money in the county treasury not otherwise appropriated.

Fees of road commission's.

Sec. 4. *And be it further enacted*, That it shall be the duty of each and every overseer of the public roads aforesaid to put up road signs or directions, painted on boards with capital letters and safely secured on posts or trees and every conspicuous fork of such public roads within his road division and such overseer shall receive for each road sign so put up not exceeding the sum of one dollar and for

Road-signs.

Overseers duties and fees.

every and each day he shall superintend the labourers on said roads or be actually employed in notifying persons to work on said roads more than the number of days such overseer is assessed to work on the roads he shall receive the sum of one dollar per day to be allowed by the circuit court of the proper county and paid out of any money which may have been paid into the county treasury for fines or forfeitures incurred under the provisions of this act or under the provisions of the act to which this act is an amendment not otherwise appropriated.

commiffion'rs or overseers neglect.

Penalty.

Sec. 5. *And be it further enacted*, That if any overseer who may hereafter be appointed under the provisions of the act to which this act is an amendment or if any commissioners who may be appointed as aforesaid to view any road shall fail or neglect to perform the duties required of them by law, each and every overseer or commissioner so failing or neglecting shall forfeit and pay a sum not exceeding fifty dollars to be recovered by presentment by the grand jury in the circuit court of the proper county.

Fines how to be applied.

Sec. 6. *And be it further enacted*, That all fines and forfeitures which may hereafter be incurred under the provisions of this act, or under the provisions of the act to which this act is an amendment shall be paid into the county treasury and after the payment of the overseer as is provided for by this act shall be and the same is hereby directed to be appropriated to the improvement of the several public roads and highways in the counties in

which the same may have been incurred either by living horses, waggons, labourers or otherwise as the overseer of the several road divisions or districts shall deem most advisable and proper and an order from such overseer shall be a sufficient voucher to the county treasurer for the payment thereof and the overseers shall be and they are hereby authorised to commute personal labour for waggons, teams or any necessary implements of labour which may be required on the road. Repairs, &c.

Sec. 7. *And be it further enacted*, That it shall be the duty of the circuit court in each county at their first term after the passage of this act to appoint the justices of the peace and overseers of roads to perform the duties as is required by this act and the act to which this act is an amendment. Circuit court duties.

Sec. 8. *And be it further enacted*, That if any person shall neglect or refuse to work on any public road or highway agreeably to the provisions of the act to which this is an amendment such person or persons so neglecting or refusing shall forfeit and pay the sum of two dollars for each day such person or persons shall refuse or neglect to work as aforesaid to be recovered in the manner provided by the above recited act. Failures to work. Penalty.

Sec. 9. *And be it further enacted*, That the whole of the act amendatory to an act concerning public roads and highways and passed by the general assembly of the territory of Missouri the eighth day of January one thousand eight hundred and sixteen and an act concerning public Repeal.

roads and highways passed by the governor and judges of the territory of Louisiana the tenth day of November one thousand eight hundred and eight and so much of any other act or acts as are repugnant to this act shall be and the same is hereby repealed.

In force.

Sec. 10. *And be it further enacted*, this act shall take effect, and be in force from and after the passage thereof.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the acts, providing for taking the enumeration of free white male inhabitants.

BE it enacted by the General Assembly of the territory of Missouri, That it shall be and is hereby made the duty of

Duties of clerks county court,

the clerks of the circuit courts of each county in this territory to make out a transcript agreeable to law of the enumeration of free white male inhabitants within their respective counties as returned by the sheriff, and to transmit the same to the governor of this territory within two months after the said return is filed in his office, and it shall thereupon be the duty of the governor, to apportion the represen-

ation for each county in the general assembly of this territory, in proportion to the number of free white male inhabitants, allowing one representative for every five hundred agreeable to the act of Congress providing for the government of the territory of Missouri, approved June the 4th in the year one thousand eight hundred and twelve, and it shall also be his duty to issue his proclamation on or before the first day of April, one thousand eight hundred and eighteen, declaring said apportionment, stating the number of Representatives, to be elected from each county, and the number of free white males in each county as returned by the clerks, a transcript of which apportionment together with the returns of the enumeration of free white males made by the clerks as aforesaid, shall be laid before the first legislature, after the next general election.

Duties of the governor.

Appointment of representatives.

Proclamation.

Report to Legislature.

Sec. 2. *And be it further enacted*, That the sheriffs of the several counties in this territory, shall take a complete and full enumeration and census of all the inhabitants within their respective counties except Indians distinguishing free persons, including those bound to service for a term of years from all others, also distinguishing the sexes and colors of free persons, and the free males under ten years of age, those of ten and under twenty one years, those of twenty one and under forty five years, those of forty five and upwards, the enumeration shall commence on the first monday of August, one thousand eight hundred and eighteen, and shall be closed within seventy days thereafter, and returned to the clerk of the circuit courts,

Sheriff's duties as to enumeration.

in the same manner and under the same penalties and provisions as are prescribed in the act to which this is a supplement, and the clerk shall return transcripts of such return to the speaker of the house of representatives in the same manner and under the same penalties, as are required in said act to which this is a supplement.

Duties of clerks of circuit court.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1ST. FEBRUARY 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

AN ACT

Supplementary to the act entitled an act establishlishing circuit courts and county courts and for other purpases.

BE *it enacted by the General Assembly of the Territory of Missouri*, That the superior court of this territory, shall be held at the times and places following, to wit: for the northern circuit at the town of St. Louis in the county of St. Louis, on the fourth monday in March and the fourth monday in August; for the southern circuit at the town of Jackson in the county of Cape Girardeau on the third monday of April and September.

Terms of superior court.

Sec. 2. *And be it further enacted*, That the circuit courts in this territory shall be held at the times and places following to wit, for the northern circuit in the county

Circuit courts

of Howard on the second mondays in March, July and November; in the county of St. Charles on the fourth Mondays in February and June and November; in the county of St. Louis on the second Mondays in February, June and October; in the county of Washington on the first Mondays in February, June and October; for the southern circuit in the county of St. Genevieve on the first Mondays in October, February and June; in the county of Cape Girerdeau on the second Mondays in February, June and October; in the county of New-Madrid on the third Mondays in February, June and October, and in the county of Lawrence on the first Mondays in March, July and November.

Appeals from circuit court.

Sec. 3. *And be it further enacted*, That in any suit pendnig in the circuit court or hereafter to be brought in the circuit court in which the value of the thing sued for amounts to the sum of one hundred dollars exclusive of costs in which a judgment shall be rendered for that amount in debt and damages or damages alone and in actions of replevin and ejectment the party aggrieved by such judgment of the circuit court may appeal to the next superior court for the circuit in which judgment is rendered, and it shall be the duty of the party appealing to enter into bond with one or more sufficient securities to be approved of by said circuit court in double the amount of such judgment or the value of the property recovered in such action or suit to the opposite party conditioned to prosecute such appeal with effect or indefault thereof to

Bond.

pay all damages and costs occasioned thereby which damages shall be ten per centum on the amount of such judgment exclusive of the legal interest and the said bond being filed in the said circuit court no further proceedings shall be had therein in the said circuit court and such appeal being entered in the superior court shall be there heard and tried upon the merits *denovo* on the pleadings as filed therein in the circuit court as though no trial had taken place in the circuit court and if on the final trial in the said superior court, the judgment shall be in favor of the same party and for the amount and thing as the amount of the Judgment appealed from the appellant shall pay to the appealee in addition to such judgment and in addition to the legal interest ten per centum per annum, for the time of entering such judgment in the circuit court below to be computed by the clerk of the superior court, and execution issued therefor as in other cases.

Trial in superior court.

judgment.

Sec. 4. *And be it further enacted*, That in all cases now pending in any of the circuit courts of this territory before a judge who was concerned in such case as council before his appointment, it shall be lawful for either party to remove the same to the superior court of the circuit in which such suit is pending by filing with the clerk of the circuit court of the county a direction to that effect, and thereupon such clerk shall certify and send a transcript of all the records and of all the proceedings in such suit as on writs of certiorari and the said suit shall be tried

Removal of certain suits from circuit court.

as other cases depending in said superior court.

Sec. 5. *And be it further enacted*, That the judges of the circuit court respectively in his circuit in term time or in vacation shall have the same power to grant injunctions to stay the proceedings at common law on judgments, as the judges of the superior court or any of them have by law. and such injunction shall be returned to the next superior court in the circuit in which they may be granted.

Judges of circuit may grant injunctions,

Sec. 6. *And be it further enacted*, That the superior and circuit courts in the territory shall have power to fine any person duly summoned as a witness and who shall not attend in pursuance of such summons any sum not exceeding ten dollars for the use of the territory and such delinquent shall also if the legal fees for his travel and one days attendance have been paid or tendered to him when he was summoned to attend, he shall also forfeit and pay to the party who may have caused him to be summoned and who has paid or tendered his legal fees as aforesaid not having been prevented therefrom by sickness or other unavoidable accidents not exceeding the sum of fifty dollars to be recovered by an action of debt in any court of competent jurisdiction.

Powers of courts as to witnesses.

Sec. 7. This act shall take effect and be in force from and after the first day of July next: *Provided* that all actions and suits brought to the circuit in any county after the first term of such court as heretofore established by law shall be made

Return of future proceedings and repeal.

Term.

returnable and have day at the next term of such court as established by this act.

EDWARD HEMPSTEAD,
Speaker of the House of Representatives.

JOHN WARD,
President of the Legislative Council.

APPROVED, 1st FEBRUARY, 1817.

WILLIAM CLARK,
Governor of the Missouri territory.

TERRITORY OF MISSOURI,

SECRETARY'S OFFICE,
St. Louis, March 22, 1817.

I certify that the foregoing acts of the General assembly, commencing with 'An Act for the relief of William Moss,' and ending with 'An Act supplementary to the act entitled an act establishing circuit courts and county courts and for other purposes,' have been compared and found to be true copies of the originals preserved in my office.

FREDERICK BATES.

ERRATUM.

In part of the impression in page 77—23d. line from the top, for *security sufficient*, read —sufficient security.

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